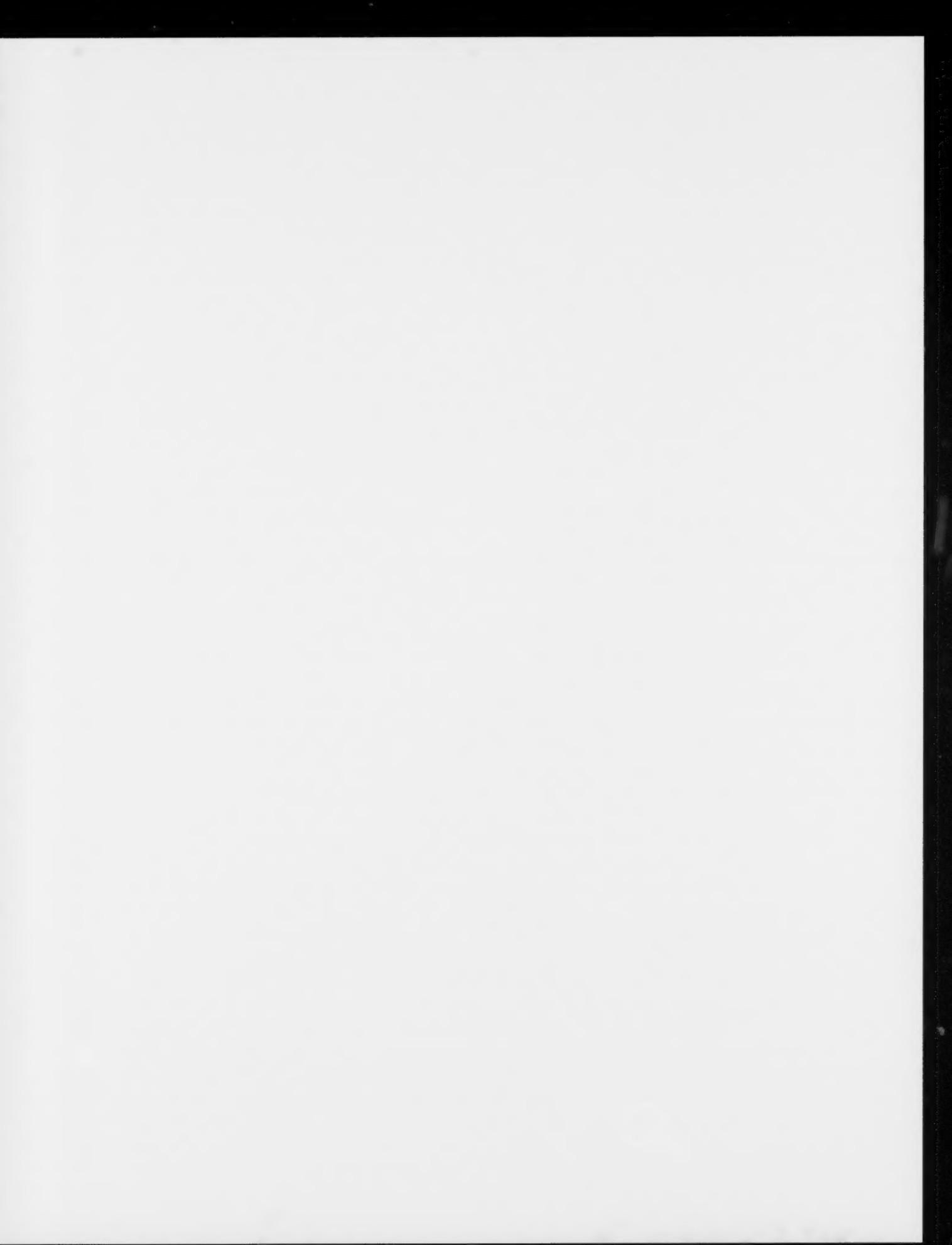


*Annual Report
2010/11*



ombudsman

B.C.'s independent office for fairness



**Annual Report
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ombudsperson

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The Honourable Bill Barisoff
Speaker of the Legislative Assembly
Parliament Buildings, Room 207
Victoria BC V8V 1X4

Dear Mr. Speaker:

It is my pleasure to present the Office of the Ombudsperson's 2010/11 Annual Report to the Legislative Assembly.

This report covers the period April 1, 2010 to March 31, 2011 and has been prepared in accordance with section 31 (1) of the *Ombudsperson Act*.

Yours sincerely,

Kim S. Carter
Ombudsperson
Province of British Columbia

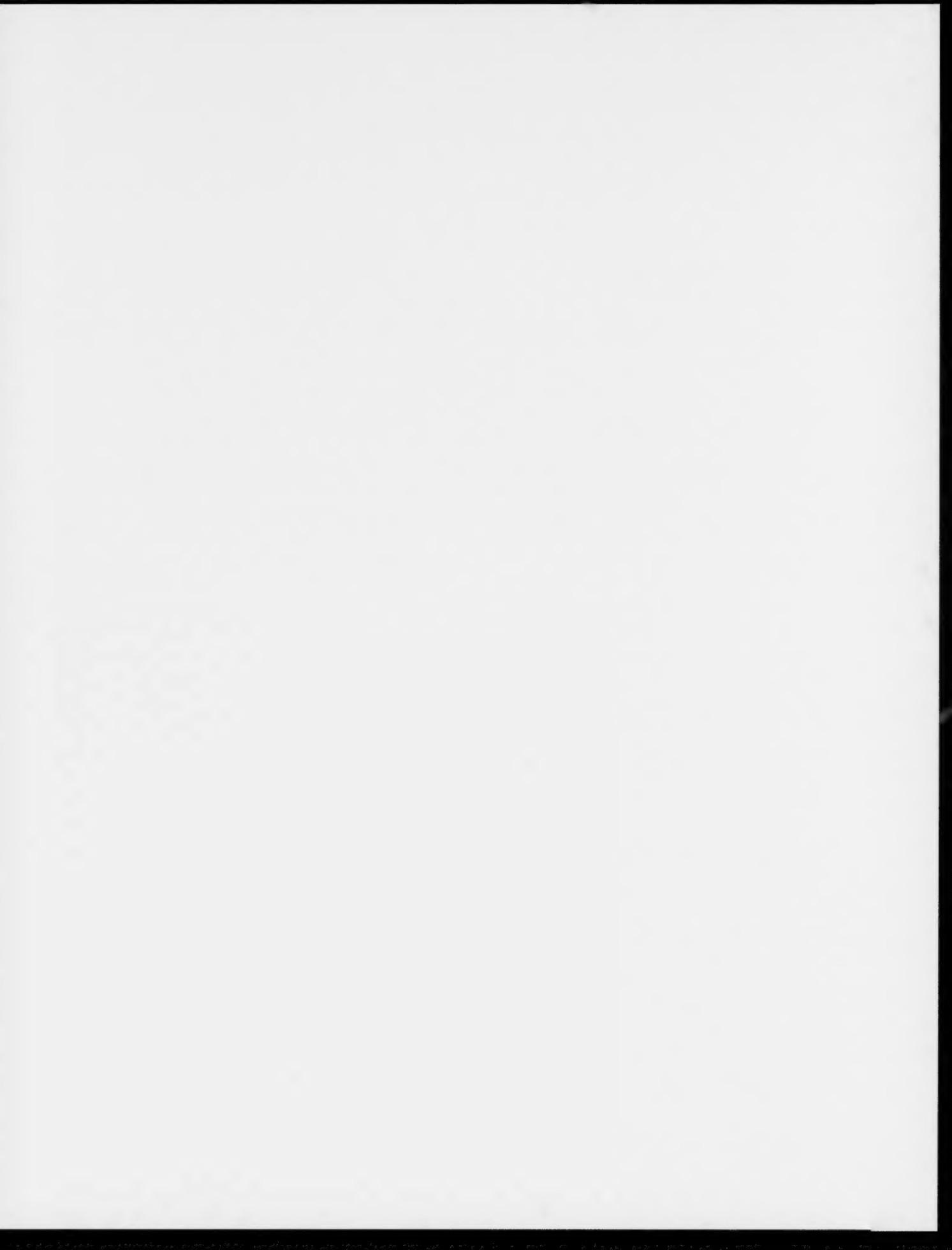
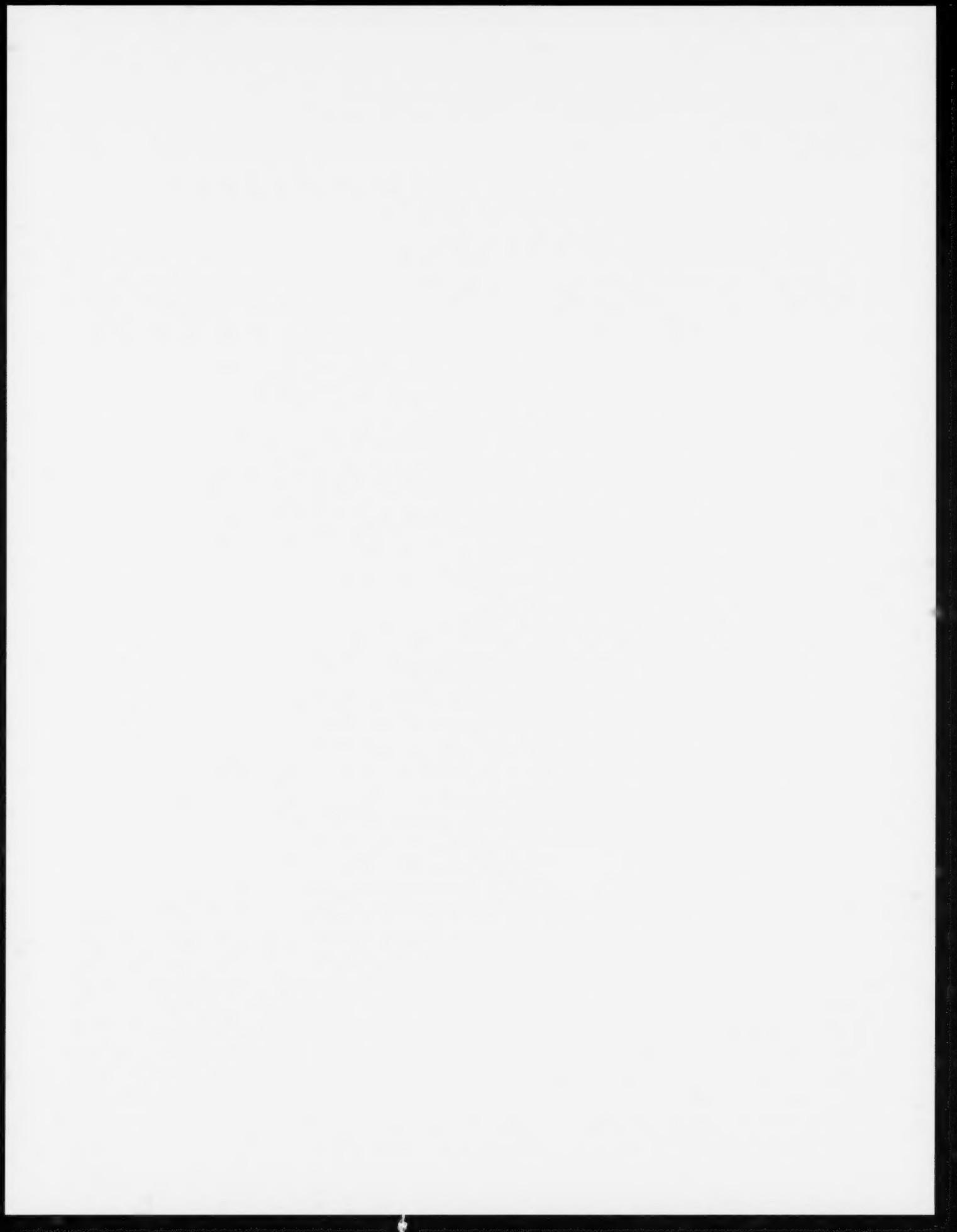


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From the Ombudsperson

A New Decade

2010/2011 was a pivotal year for the Office of the Ombudsperson as we began our fourth decade of serving British Columbia and British Columbians.

Much has changed in British Columbia over that time and much has changed in how our Office conducts the work we do – but the goal remains the same. It is to ensure that people in British Columbia have access to an impartial, independent organization that can investigate and assist in resolving complaints of unfair treatment by provincial public authorities. From the perspective of an individual, something may be unfair and if it is, then from the perspective of a provincial agency it is also inefficient and incompatible with good service delivery. The complaint investigations we undertake help British Columbians and their families as well as the provincial ministries and other public agencies that are entrusted with the authority and resources to deliver programs and services to the public.

It can be easy for the goals of a program to get lost in too vague guidelines or overly prescriptive rules, both of which are concerns from the perspective of administrative fairness. The Office of the Ombudsperson helps provide a necessary balance between the drive for administrative efficiency and the needs of people who government programs are designed to assist, such as a senior, a youth in custody, a small business person, or someone who is looking to have a licence renewed or an application considered.

This Office can assist on many levels. There may be an issue of whether a person has been treated improperly in a particular circumstance, for example, if a discretionary power was exercised appropriately. There may be a question of whether existing rules and regulations were properly followed in a particular case or a series of cases. At times, a single complaint may lead to a careful analysis of whether the application or content of a policy, regulation or law is oppressive, unfair or discriminatory.

While the goal remains fair treatment, our communication processes, analytical approaches and resolution techniques have continued to evolve. Through provision of information and referrals, early resolutions, investigation and fair settlements of problems, in-depth systemic investigations, and timely involvement in new initiatives, we make a significant contribution to ensuring that all British Columbians are treated fairly by their government.

We are now looking forward, in a preventive and proactive manner, to developing new relationships and approaches to utilize our Office's unique knowledge of effective public administration and good governance. This will assist us in sharing lessons learned in our investigations so all British Columbians and all public authorities in British Columbia will benefit.



Kim Carter
Ombudsperson
Province of British Columbia

For most of us it was reassuring to learn that your office is independent of government. It was also comforting to hear that your office tries to make the machinery of government work more efficiently.

We wish you and your staff good luck in your continuing efforts seeking a more just society for all.

*Colin Allen
Probus Club of Sidney*

From the Ombudsperson

Our Vision

British Columbia's independent voice for fairness

Our Mandate

To ensure that every person in British Columbia is treated fairly in the provision of public services

To promote and foster fairness in public administration in British Columbia

To uphold the democratic principles of openness, transparency and accountability

Who We Serve

The people of British Columbia

The Legislature

The principles of administrative fairness

What We Do

Respond to inquiries from the public

Provide information, advice and assistance on issues of administrative fairness

Conduct thorough, impartial and independent investigations of complaints

Look for fair resolutions and make recommendations to improve administrative practices

Independently initiate investigations of apparent administrative unfairness

Provide reports to the Legislative Assembly and the people of British Columbia about the work of the Office and remedying unfair administrative practices

Generally oversee the administrative actions of public agencies to enhance transparency and accountability

Our Guiding Principles

Integrity

Respect

High quality service

Equality

Continuous improvement

Leadership

Teamwork

Trusting environment

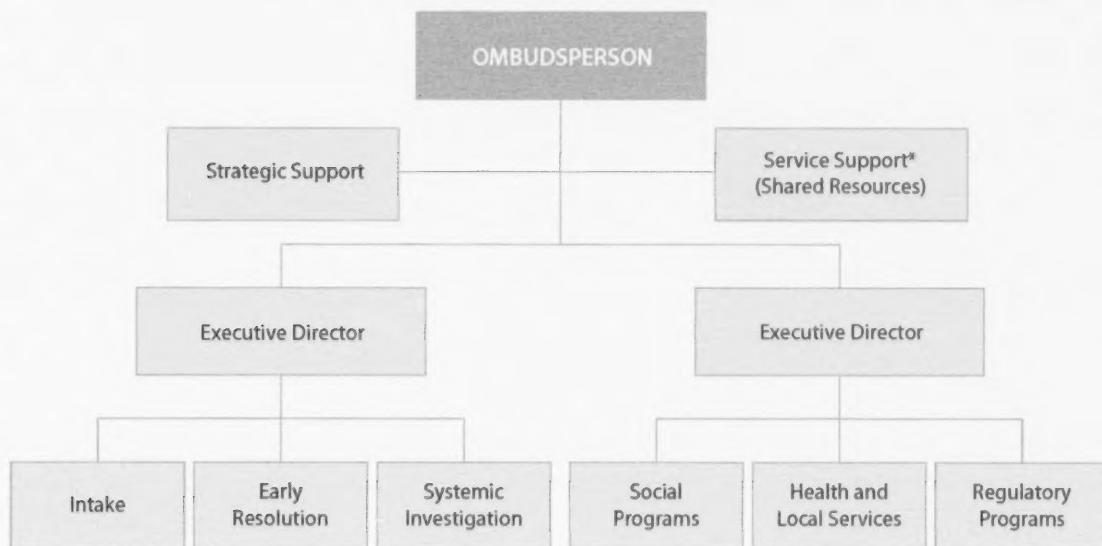
From the Ombudsperson

Our Goals

- Ensure administrative fairness
- Provide quality service
- Enhance understanding of the principles of good governance
- Support a workplace of excellence

Who We Are

Organization Chart, 2010/11



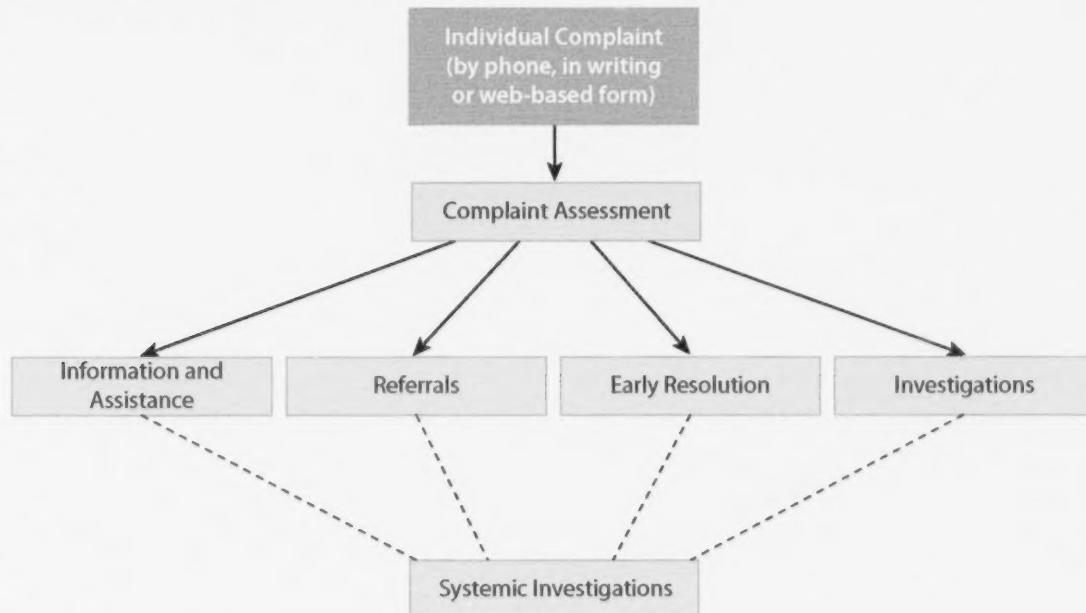
The Ombudsperson is appointed for a six-year term by the Legislative Assembly. Ombudsperson Officers who investigate complaints and conduct systemic investigations come from a wide variety of professional backgrounds, including law, engineering and public administration.

*Service Support is a shared resource that provides support to four independent Offices of the Legislature.

* Office of the Ombudsperson, Office of the Information and Privacy Commissioner, Office of the Police Complaint Commissioner, and Office of the Merit Commissioner

From the Ombudsperson

How We Assist – Our Process



All the inquiries and complaints we receive are tracked and analyzed, and contribute to our decisions on where we can most usefully conduct a systemic investigation.

What We Can Investigate

We can investigate complaints of unfair actions and decisions by:

- provincial ministries
- provincial boards and commissions
- provincial Crown corporations
- local governments
- health authorities
- school boards
- colleges and universities
- other provincial public authorities including self-regulating professions and pension boards of trustees.

A full list of authorities can be found in the Schedule of the *Ombudsperson Act*.

From the Ombudsman

What is Administrative Fairness

Administrative fairness encompasses well-recognized principles of procedural fairness and good administrative practices. These include:

- adequate and appropriate legal authority
- functional organization and management structure
- necessary and useful policies and procedures
- clear and accessible public information
- timely access to programs
- consistent standards of practice
- adequate and appropriate monitoring and enforcement
- timely and appropriate complaint resolution and program evaluation.

Findings We Can Make

We can determine an action/decision/recommendation/omission to be:

- contrary to law
- unjust, oppressive, improperly discriminatory
- done pursuant to an unjust, oppressive or improperly discriminatory law, regulation, direction, guideline or policy
- based on a mistake of law or fact
- based on irrelevant considerations
- based on arbitrary, unreasonable or unfair procedures
- done for an improper purpose
- not explained with adequate and appropriate reasons
- negligent
- improper
- otherwise wrong.

Recommendations We Can Make

We can recommend:

- to refer a matter for further consideration
- an act be remedied
- a decision or recommendation be cancelled or changed
- reasons be given

From the Ombudsperson

- a practice, procedure or course of conduct be altered
- an enactment or other rule of law be reconsidered
- any other step be taken.

Our Approach

Our approach to every case is:

- independent
- impartial
- consultative
- resolution oriented.

2010/2011 in Numbers

In this year, our numbers included:

- 7,530 inquiries and complaints about 283 different public authorities
- 2,629 requests for information
- 3,183 matters dealt with by complaints analysts
- 1,718 investigative files completed
- 300 early resolution files completed
- 228 files awaiting assignment on March 31, 2011.

2010/2011 in Review

At the beginning of 2010/2011, we saw a slight decline in intake numbers over the previous year, but during the second half of the year numbers began to climb again. So while the overall total of inquiries and complaints dipped to 7,530 it appears that the decline will be only temporary.

In part, this is due to the necessary introduction of the Files Awaiting Assignment process in September 2009, which was established to deal equitably and fairly with the increasing number of complaints we were investigating. In 2010/2011, through effective case management the average number of files waiting to be assigned to an Investigator on the Files Awaiting Assignment List was kept to about 200 files.

The percentage of files opened by major authority category remained very similar to 2009/2010 numbers, though there was a small increase in the number of files involving provincial ministries.

From the Ombudsperson

Authority	Files Opened, 2010/11 (2009/10)	Files Closed, 2010/11 (2009/10)
Ministries	56% (53%)	55% (53%)
Commissions and Boards	15% (17%)	15% (17%)
Crown Corporations	10% (10%)	10% (10%)
Local Government	7% (8%)	7% (8%)
Health Authorities	6% (7%)	7% (7%)
Professional Associations	3% (2%)	2% (3%)
Schools and Boards of Education	1% (1%)	1% (1%)

Timeliness is important in resolving disputes. In 2010/2011, with the inclusion of our early resolution files, 70 per cent of investigative files were able to be closed within three months and 85 per cent within six months of the time they were assigned.



BC Ombudsperson Kim Carter with Laura Watts, then National Director of the Canadian Centre for Elder Law, who presented at our staff 2010 workshop.

Throughout 2010/2011 our Systemic Investigation Team continued to work on our investigation into seniors care in British Columbia. This is a complex multi-issue, multi-authority investigation, which will result in the most comprehensive systemic report this Office has done.

On behalf of the ARC Board, I would like to express our thanks and appreciation for your participation on our recent Conference: Residential Care – What Do We Want for Older Adults in BC?

... The attendees are now much more aware of both the role of the Ombudsperson's Office and the history and status of the systemic investigation into Seniors Care in BC. ...

We hope that the attendees will share their new found awareness with their families, Family councils and friends. Certainly, you helped clarify the Office of the Ombudsperson as a place to refer concerns about matters within its jurisdiction, when they are deemed not to be fully or adequately addressed through other venues.

*Kathleen Hamilton
For the ARC (Association of Advocates for Care Reform) Board*

From the Ombudsperson

In addition to our work for complainants and authorities, the contribution of the Office of the Ombudsperson to the wider Ombudsman community was recognized. The BC Ombudsperson served as the Chair of the Canadian Council of Parliamentary Ombudsman and was invited to make a presentation at an international conference of Ombudsman in South America hosted by Brazil.

Among the visitors hosted by the Office of the Ombudsperson in 2010 was a delegation from the Control Yuan of the Republic of China.



A visit from delegates of the Control Yuan, the investigatory agency that monitors the other branches of government in the Republic of China.

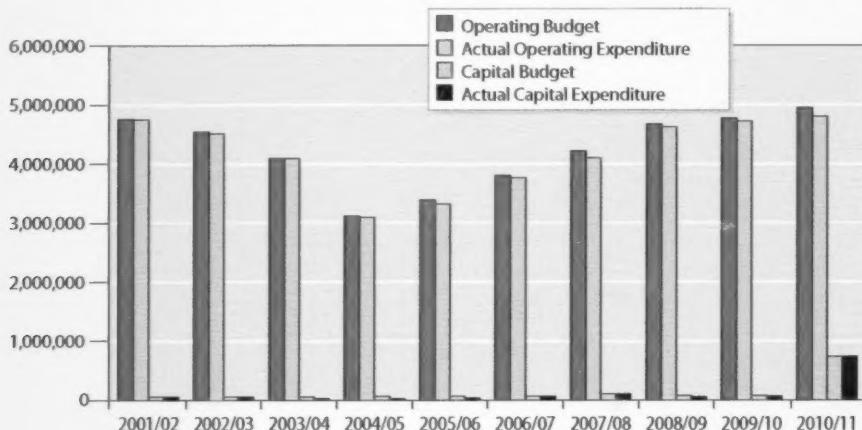
In addition, the Forum of Canadian Ombudsman decided to hold its first conference in Western Canada in Vancouver in May 2011 and the BC Ombudsperson Office played an active role in supporting this initiative and providing speakers.

2010/2011 also marked the commencement of another innovation: team investigations focused on areas where the Office has assessed that a pro-active approach could reduce the difficulties for individuals and consequently reduce the number of complaints that come to this Office for resolution.

Finally, throughout the year the Shared Services staff continued to provide excellent support to four Offices of the Legislature, including organizing and managing the consolidation and move of all four Offices into a single building in Victoria.

From the Ombudsman

Budget Summary



	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Operating Budget	4,765,000	4,548,000	4,086,000	3,118,000	3,388,000	3,805,000	4,214,000	4,671,000	4,773,000	4,945,000
Actual Operating Expenditure	4,750,600	4,516,000	4,086,000	3,093,000	3,326,000	3,761,000	4,100,000	4,624,535	4,721,577	4,803,266
Capital Budget	59,000	59,000	62,000	65,000	65,000	65,000	110,000	75,000	75,000	741,000
Actual Capital Expenditure	59,000	58,000	27,000	30,500	35,800	63,000	108,000	53,124	67,117	737,709
FTEs	50	50	38	30	34	37	40	45	46	33 (+13)

FTEs: Shared services are identified in parentheses. The shared services FTEs are dedicated to delivering finance, administration and IT support services to four Offices of the Legislature: Office of the Ombudsman, Office of the Information and Privacy Commissioner, Office of the Police Complaint Commissioner, and Office of the Merit Commissioner.

Note: The Capital Budget and Actual Capital Expenditure for 2010/11 included a one-time cost to undertake tenant improvements on a building for which the four Offices identified above have a 15-year lease.

From the Ombudsperson

Outreach

One of the most important activities in our Office is outreach to the people, communities and authorities who can benefit from the resolutions our Office provides. Below is a representative list of the outreach activities our Office undertook in 2010/11.

Outreach Tours 2010/11

Okanagan/Kamloops

Outreach to Non-profit Groups and Other Organizations

2010 Champions for Children and Youth Summit

Association of Advocates for Care Reform

BC Care Providers Association

BC Health Coalition

BC Legislative Internship Program

Canadian Bar Association, Administrative Law Section

Canadian Federation of University Women, Kelowna Chapter

Canadian Federation of University Women, Nanaimo Chapter

Elder Law Conference

Forum of Canadian Ombudsman

Interior Community Services, Kamloops

Kelowna Community Resources

Kiwanis Pavilion Family Council

Leadership Conference for Medical Directors in Long-term Care

Northwest Ombudsman Group

Probus Club, Saanich

Probus Club, Sidney

Rotary Club of Kelowna

Rotary Club of Vernon

Round Table Club of UVic

Seniors Information & Resource Bureau (Vernon)

The Law Centre, Victoria

Together Against Poverty Society (TAPS), Victoria

United States Ombudsman Association – annual conference

Westside Health Network Society, West Kelowna

*Would you like someone from the
Ombudsperson's Office to speak to your
organization?*

*E-mail the details of your request to
presentations@bcombudsperson.ca, or
call 250-387-5855.*

*Your talk to the Rotary Club was very
much appreciated and on behalf of
the members I would like to thank you
for telling us about the office, what
you do, and its effectiveness in looking
into conditions that place hardships
on those unfamiliar with government.
Too often it is daunting and intimidating
for individuals to deal with bureaucracy
and your office listens to people with
understanding and courtesy.*

*Peter Tassie
Rotary Club of Vernon*

From the Ombudsperson

Outreach to Authorities

City of Vernon

Institute of Chartered Accountants

Insurance Corporation of BC

Investigations and Standards Office, Ministry of Public Safety and Solicitor General

Ministry of Children and Family Development

Office of the Superintendent of Motor Vehicles, Ministry of Public Safety and Solicitor General

Okanagan College

Prince George Regional Correctional Centre

Prince George Youth Custody Centre

School of Child and Youth Care, UVic

Simon Fraser University

Surrey Pretrial Services Centre

Thompson Rivers University, Faculty of Law

Transition Fair, Richmond School District

Vancouver Island Regional Correctional Centre

WorkSafeBC

Outreach to Other Ombudsperson Offices

Control Yuan, Republic of China

Office of the Ombudsman, South Korea

Office of the Ombudsman, Western Australia

Thank you for all your help in getting my step-mom moved from Vancouver to New Westminster. It is extremely stressful when you have a sick loved one that you do not get to see often enough. Due to your dedication and hard work on my behalf I am happy to say that my mom is where she belongs, very close to her family. Even when I am sick I can still see her because short visits are very easy to do now. Now when I visit there are no longer tears, just smiles and hugs, so my sincere thanks to you [Ombudsperson Officer]! You have reunited our family and have turned a stressful situation into one of happiness.

From a thank-you letter sent to us in 2010/11

Implementation of Recommendations in Public Report No. 46 – The Best of Care: Getting it Right for Seniors in British Columbia (Part 1)

In December 2009, we issued *The Best of Care: Getting it Right for Seniors in British Columbia (Part 1)*, the first of two planned reports on the Ombudsperson's ongoing systemic investigation into the care of seniors in British Columbia. This first report contained ten recommendations made to the then Ministry of Health Services and the then Ministry of Healthy Living and Sport that addressed the following areas: rights for seniors in residential care; access to information about residential care; and the role of resident and family councils. The responsibility of the Ministry of Health Services for seniors' care in British Columbia was expanded when the Ministry of Healthy Living and Sport was eliminated in October 2010. The ministry was renamed the Ministry of Health in March 2011.

From the Ombudsman

The Ministries of Health Services and Healthy Living and Sport fully accepted four of the Ombudsman's ten recommendations – R1(a), R1(b), R2(b) and R3(b). Recommendations R1(a) and R1(b) were accepted and implemented prior to fiscal year 2010/2011. The remaining two accepted recommendations were implemented in 2010/2011 as follows:

- The ministries reviewed the information website in Ontario as we recommended. They also reviewed the California HealthCare Foundation website that is discussed in the report and held a teleconference with the organization to ask about the funding required to implement and maintain its information system. The Ministry of Health informed us that the required funding was "significant." Following this review, a decision was made to continue to focus on improved consistency and access to information available on health authority websites and the SeniorsBC website [Recommendation R2(b)].
- Although the ministries agreed to provide guidelines to operators on the types of support to offer resident and family councils by March 10, 2010, the timeline for this recommendation was not met. However, in September 2010 we received a draft "Guidelines for the Development of Resident or Family Councils" that was subsequently amended in response to the concerns we expressed in October 2010. The Ministry of Health provided the guidelines to the health authorities in January 27, 2011 [Recommendation R3(b)].

While the Ministries of Health Services and Healthy Living and Sport indicated their acceptance of the intent of the other six recommendations – R1(c), R1(d), R2(a), R3(a), R3(c) and R3(d) – they proposed alternative actions that did not appear to adequately address the issues identified. However, we welcomed updates about any actions taken with the intention of implementing our recommendations and were informed that the following actions were taken in fiscal year 2010/2011.

- R1(c) – Rather than accepting the recommendation to develop a reliable and objective process to monitor and evaluate the degree to which the residents' rights are respected, the ministry has taken the following steps:
 - obtained agreement from the five regional health authorities to report quarterly to the ministry about complaints to Patient Care Quality Offices (PCQOs) or Medical Health Officers about residents' rights. The first reporting period was for April through June 2010

As the Chairperson for the Kiwanis Pavilion Family Council I would like to thank you for taking the time to attend our meeting yesterday. Your presentation "The Best of Care: Getting it Right for Seniors in British Columbia, The Ombudsman's Report on the Care of Seniors" was very well received.

... We are hopeful that the Ministry of Health Services and the Ministry of Healthy Living and Sport take a second look [at] the recommendations where reporting and commitments were "inadequate" and have a "change of heart."

As a family council we believe that a commitment to the care and rights of seniors in British Columbia is very much a priority. We look forward to the release of the second report and are grateful for the work that is being done by the Ombudsman and the staff....

Sincerely,

*Lesley Cockrell, Chairperson,
Kiwanis Pavilion Family Council*

From the Ombudsperson

- in the course of conducting monitoring activities, the health authorities' licensing staff monitored compliance by facilities with the *Residents' Bill of Rights* and reported their findings to the ministry.
- R1(d) – The ministry advised that it plans to post a summary of the first year results of monitoring on the Bill of Rights page on the Community Care Licensing website in the fall of 2011.
- R2(a) – The ministry has:
 - directed the five regional health authorities to enhance and standardize their residential care web pages and to include searchable information about the publicly subsidized residential care facilities within their regions
 - completed the provincial SeniorsBC website, which provides information of interest to seniors and includes links to each health authority's website.

Implementation of Recommendations in Special Report No. 32 – Fit to Drink: Challenges in Providing Safe Drinking Water in British Columbia

In June 2008, we issued *Fit to Drink: Challenges in Providing Safe Drinking Water in British Columbia*. This systemic report contained 39 recommendations made to the five regional health authorities, the Ministry of Environment, the Office of the Provincial Health Officer, and the Ministry of Health. The authorities agreed to implement all 39 of our recommendations. The recommendations addressed the following areas: dealing with questions, concerns and complaints; public advisories and notices; monitoring and enforcement; issues affecting small systems; and drinking water management initiatives. Steps public authorities have taken to implement our recommendations are as follows:

- Regarding one of the key recommendations, which was to reduce by ten per cent a year the number of systems on boil water advisories and to have no systems on an advisory for more than 18 months by the end of fiscal 2011/2012 (Recommendation 16):
 - the Fraser Health Authority reduced the number of water systems on boil water advisories 25 per cent in 2010/2011
 - the Northern Health Authority reduced the number of water systems on boil water advisories by 12 per cent in 2010/2011
 - the Vancouver Island Health Authority reduced the number of systems on boil water advisories longer than 18 months by 37 per cent in 2010/2011
 - the Vancouver Coastal Health Authority reduced the number of water systems on boil water advisories by 7 per cent in 2010/2011
 - the Interior Health Authority removed boil water advisories that were in place on April 1, 2007 at a rate of 5–8 per cent per year and reduced advisories that were in place for more than 18 months on April 1, 2007 by 16–21 per cent per year
 - all of the regional health authorities continue to work on removing the remaining boil water advisories that are greater than 18 months old.

From the Ombudsperson

- The Ministry of Health, the Office of the Provincial Health Officer, and the five regional health authorities are now able to electronically record and track drinking water complaints and generate reports (Recommendation 1.2).
- All health authorities have systems to track and publicly report water sampling data and inspection results (Recommendations 18, 22 and 24).
- The Ministry of Health has created a draft guidance document to assist Drinking Water Officers in deciding additional critical chemical parameters that should be required as conditions on operating permits. As well, a provincewide policy has been developed to ensure that all health authorities are approaching treatment requirements for surface water the same way (Recommendation 20).
- The Ministry of Health is taking the following steps to deal with issues affecting small systems (Recommendation 31):
 - consolidating the *Drinking Water Officers' Guide* to include information to help Drinking Water Officers identify small water systems
 - leading the Small Water Systems Committee, which is examining issues relating to small water systems
 - working with the Union of BC Municipalities Small Water Systems Committee.

Implementation of Recommendations in Public Report No. 45 – Last Resort: Improving Fairness and Accountability in British Columbia's Income Assistance Program

In March 2009, we issued *Last Resort: Improving Fairness and Accountability in British Columbia's Income Assistance Program*. This systemic report contained 28 recommendations to the then Ministry of Housing and Social Development, with timelines for implementation. The ministry accepted and agreed to implement all of our recommendations, with the exception of Recommendation 23, which dealt with compensation for people adversely affected by the ministry's delay in initiating regulatory amendment.

Our recommendations addressed four areas: applying for income assistance, persons with persistent multiple barriers to employment (PPMB), medical and other documentation requirements, and implementation of previous commitments.

In fiscal year 2010/2011, the Ministry of Social Development took the following steps to implement these recommendations:

- In January 2011, the ministry updated its service standards. Service requests that are not immediate in nature are to be actioned within five business days while immediate needs requests are to be addressed within the same business day (Recommendations 6 and 7).
- In January 2011, the ministry posted a report on its website called *Outcomes of BCEA Applicants that do not Complete the Application Process* (Recommendation 11). The report can be found at http://www.hsd.gov.bc.ca/publicat/pdf/LAD_2010.pdf.

From the Ombudsperson

- In March 2011, the ministry prepared the preliminary results of a review to assess circumstances where applicants and clients must sign forms in person for final decision (Recommendation 21(A)).

Six recommendations in regard to the PPMB program have not yet been implemented (Recommendations 12, 13, 14, 15, 16(A) and 16(B)). The ministry advised that it is still in the process of determining options for implementation of recommendations in regard to the PPMB program. We are disappointed with the slow progress on these recommendations and will continue to closely follow developments in these areas.

As of March 2011, no file reviews or audits evaluating compliance with legislation and ministry policies have been scheduled (Recommendation 8 and 25). There are other recommendations, such as continuing to track the outcomes of those who discontinue an application for income assistance (Recommendation 11), where the ministry has not met the timelines set out in the report. In particular we are disappointed to find that at this time the ministry has no strategy in place to track the outcomes and to report the results publicly on an annual basis.

Case Summaries – Introduction

In the following pages you will read about some of the individual cases we dealt with in 2010/11.¹ In selecting these cases we have tried to show the diversity of the work done by our early resolution and Ombudsperson Officers as well as provide people with an understanding of what fair administrative practice requires public authorities to do.

The cases included in this section are only a fraction of those we investigated during the year, but they do demonstrate the breadth of the issues we deal with, including ones that relate to people's homes, health and livelihood.

Our early resolution process may help if you have received a delinquent tax notice for your property even though you paid your taxes on time. Or perhaps you are waiting for a wage loss benefit cheque that has been delayed, which is causing your family financial hardship. Maybe you have an urgent need for temporary financial assistance to prevent you from becoming homeless. These are three of the 300 early resolution files we closed last year.

I want to thank you for the time and effort you put into my complaint. I just wanted to be heard, and thanks to your efforts, I hope the College has heard.

From a thank you letter sent to us in 2010/11

Thank you for your letter and especially thank you for the caring thoughts you conveyed. You have helped me more than you realize in dealing with this process. I can truly see that you do your job very well. Your office has explained things to me that no one... has ever done. Once again I thank you for your time and help you gave me through a very frustrating ordeal.

From a thank you letter sent to us in 2010/11

The more than 1,700 files dealt with by our Ombudsperson Officers produced positive outcomes for both British Columbians and public agencies. Our Office has always seen itself as having a special relationship with and responsibility to those in our society who, for a variety of reasons, may face particular challenges in

dealing with public agencies, so you will find specific sections that highlight cases dealing with children and youth, seniors, and those British Columbians who rely upon income and community supports to function in their daily lives. We assisted a youth who did not feel it was safe to go home, a grandmother who was seeking financial assistance to care for her grandson, and a foster mother who was attempting to adopt three children who had been placed in her care. We helped a man who received a disability pension get coverage for a non-standard hip replacement, facilitated communication between a health authority and an upset former patient, and took seriously a complaint from a patient at a maximum security psychiatric hospital. As a result of our investigations, we helped a public authority communicate more clearly about its appeal options, helped settle a dispute about a mandatory meal program for supportive housing that would later be reviewed provincewide, and were a catalyst for changes to a family maintenance policy handbook. A senior who contacted us was able to retake a driver's assessment, and we helped to resolve a daughter's concerns about her father's pharmacy services. Through our involvement, we were able to cut through "red tape" and help a woman obtain travel assistance to see a specialist far from her home, suggest to a ministry that it might be making a premature assumption about a client's eligibility for disability benefits, and prevent a woman and her five-year-old child from being evicted.

¹ We have changed the names of the people in all our case summaries to protect their confidentiality. In most cases we have identified the complaint as originating in one of four broad regions: the Lower Mainland, which includes Greater Vancouver, the Fraser Valley as far as Hope and the Squamish area; Vancouver Island/Sunshine Coast, which also includes the Gulf Islands; Northern B.C., which includes Prince George and everything north of it; and the Interior, which includes everything south of Prince George except for the Lower Mainland.

Case Summaries – Introduction

We also worked to resolve a number of issues people had with local government. These included a complaint about the imposition of a parcel tax on land without residences; insufficient information given about the appeal process for rejection of a subdivision application; and the right to raise concerns about a bylaw issue.

Cases related to work and business included helping to clarify why a labour relations complaint was dismissed and helping to obtain some compensation for a delay in a waste wood assessment.

It can sometimes be easy when looking at resolutions for individual cases to lose sight of the wider role that our Office plays in supporting good public administration and ensuring that the precepts of administrative law are respected.

This letter is to express our sincere thanks for the timely handling and resolution of our complaint regarding an "Additional Homeowners Grant" application. You will no doubt know that the role of backing up a disabled person can be very challenging. In extending our thanks for your efforts on my son's behalf you should be aware that the whole family is grateful to you including his parents and brothers. We hope that a simpler, more responsive and more transparent (fairer?) system can be devised for the future.

From a thank-you letter sent to us in 2010/11

We are pleased to advise that the difficulties that we have been encountering with the Ministry of Finance have now been satisfactorily resolved. We thank you very much for your assistance in this matter. If it had not been for your action we doubt that our property tax problem would have been finalized by this date.

From a thank-you letter sent to us in 2010/11

or about the results of an investigation. In another case, because we dug deeper into an issue, a new way of calculating eligibility was implemented, which will make it easier for others to qualify. We have also brought several cases to the attention of our systemic investigation team for further review.

Ultimately, whether we are dealing with individuals who have concerns about the situations they find themselves in, or a large public authority that is looking for a fairer way of dealing with its clients, our goal is always the same, to improve public administration in British Columbia. We believe this makes an important contribution to a civil society.

Case Summaries – Early Resolution

Inquiry call prompts wage loss benefit cheque

WorkSafeBC

Northern B.C.

Pia contacted us in September 2010 because her husband had not received his wage loss benefit cheque from WorkSafeBC. Pia said that WorkSafeBC had told them that her husband would receive his cheque in July 2010. Pia and her husband were concerned that there was an unreasonable delay that was causing them financial hardship. Pia said they wanted clarification on when his cheque would arrive.

We contacted WorkSafeBC, which said that a cheque would be mailed out the following morning in the amount of \$21,517.39.

A few days later Pia called back to let us know that her husband had received his cheque.

Concerns about account balance resolved

BC Lottery Corporation

Lower Mainland

Seamus contacted us in July 2010 because he had concerns about the new on-line gaming program (PlayNow). Seamus said that when he was playing the game, the system crashed. Seamus said that he tried to log into his PlayNow account to view his balance and was unable to do so. He had contacted the authority to complain, however, did not receive a response to his emails or phone calls. Seamus said that he wanted a return of all funds remaining in his account and a letter outlining all transactions associated with his account during the time period in question.

We contacted BC Lottery Corporation and explained that Seamus had not had a response to his emails or phone calls. In response to our call, the Corporation contacted Seamus to discuss his concerns and provided him with a letter with detailed information regarding his account and a cheque for the remaining balance of his account.

Seamus told us that the matter had been resolved to his satisfaction.

Hearing impaired woman regains disability benefits

Ministry of Social Development

Northern B.C.

Max contacted us in September 2010 on behalf of his friend Charlotte, who is hearing impaired, for whom he was acting as an agent. Charlotte has a hearing aid and can understand some conversations in person, but she has difficulties hearing over the phone. Max said that Charlotte's disability benefits were cut off in June 2010.

Case Summaries – Early Resolution

Max told us that Charlotte submitted a request for reconsideration in July 2010 and that she had received benefits up to September, but was told she would not receive benefits for October. She still did not have a decision on her request for reconsideration.

Max was concerned about the length of time it was taking to receive a decision on Charlotte's reconsideration application.

We contacted the Ministry of Social Development and inquired about the status of Charlotte's reconsideration. Two days later, the ministry advised us that a decision had been made in regards to Charlotte's reconsideration and that Charlotte was eligible to continue receiving disability benefits.

Cooperation produces success

**Revenue Services BC, Ministry of Finance
Vancouver Island/Sunshine Coast**

We received a call from Danny, a father who was staying at a shelter with his 18-year-old son. Danny was owed a refund from Revenue Services BC (RSBC) but had been told it would take 6 to 8 weeks before he would receive the cheque.

Danny understood why \$1,800 of his tax return had been attached by Health Insurance BC for outstanding Medical Services Plan premiums. However, he had since completed a Premium Assistance application and the refund had been approved. Danny told our Office he understood that processing a refund would take time but felt this was too long. The matter was urgent for him – he needed the refund so he could rent accommodation.

Danny had contacted RSBC but had been unable to resolve the issue. His MLA's staff was also trying to help.

When we contacted the Ministry of Finance, staff there told us the authorization had not yet been processed. The documentation for the premium assistance had only arrived a few days before. However, they agreed they would try to assist. Two days later, a refund cheque was couriered to Danny at his MLA's office, which had stayed open an extra hour to receive it.

A school counsellor advocates

**Ministry of Children and Family Development
Lower Mainland**

Alec, a counsellor who works with a school district, had not received a response to a letter he sent to the Ministry of Children and Family Development.

Alec was concerned about the ministry's response to reports made by school staff about a student. He felt that without information about the ministry's response, teachers did not know whether steps had been taken to ensure the child's safety. As a counsellor, Alec understood that there were confidentiality issues but felt that he and the teachers needed some feedback on this case.

Case Summaries – Early Resolution

We contacted the ministry and ministry staff met with Alec for 90 minutes. Alec said it was a respectful and positive meeting. While not all of the issues he raised were addressed, Alec was satisfied with the ministry's response so we closed the file.

Establishing communication to discuss taxation notice

**Ministry of Finance
Interior**

Lee contacted our Office in October 2010 because he had concerns about a delinquent tax notice he had received. Lee said that he paid his taxes and submitted the Home Owner Grant application form on June 14, 2010. He called at the end of June to confirm that everything was okay, however, was unable to speak with anyone. Lee said that he then sent an email asking if things were fine because he did not want to incur penalties. He heard nothing until he received a delinquent tax notice at the beginning of October.

Lee explained that he had contacted the Surveyor of Taxes office to speak with a supervisor but was told that the supervisor was on holidays. He called back when the supervisor had returned but was still unable to speak with the supervisor. Lee said he was told that someone would get back to him by the end of the week, however, no one did.

We contacted the Ministry of Finance and explained the difficulties Lee was having. In response to our call, the ministry contacted Lee and discussed his concerns. Lee sent us a letter shortly afterwards to thank us for our assistance and said that everything had been resolved to his satisfaction.

Woman gets hydro reconnected in time of need

**Ministry of Social Development
Vancouver Island/Sunshine Coast**

Judy contacted us in November 2010 because her hydro had been disconnected. Judy said that she had been without heat or electricity for 11 days and that her food had spoiled. She explained that she received income assistance from the Ministry of Social Development and that she owed money to BC Hydro. She had been trying to make payments with money from her disability cheque. She said that she was freezing in her home and was concerned that she would end up in the hospital. Judy also had no phone.

Judy had contacted an advocate who called the Ministry of Social Development on her behalf. Judy said that the advocate was unable to get through to the ministry on its toll-free number. We contacted the ministry and asked if it could contact Judy. The ministry advised that it was aware of Judy's situation, however, could not contact her because it did not have a telephone number for her. We provided the ministry with a telephone number that Judy could be reached at and, in response to our call, the ministry made contact with Judy the same day and told her that her power would be quickly reconnected.

We contacted Judy who confirmed that the ministry had contacted her and that she was satisfied her power would be reconnected. She said that she was very happy and thankful for the quick resolution.

Case Summaries – Early Resolution

Reviewing expired dental coverage at a time of need

**Ministry of Children and Family Development
Lower Mainland**

Abby called us in late November 2010 because she needed dental treatment. Abby was a former youth in care of the Ministry of Children and Family Development. Now 22, Abby had been able to complete her education with funding under an Agreement with Young Adults. However, this agreement and her dental benefits would end within a matter of days when she finished school.

Abby had a good relationship with her social worker and was reluctant to make a complaint. The problem was that she had been unable to reach the social worker and thought she had only eight days before her eligibility for dental care would expire. Abby had made a dental appointment because of the pain she was in, but had been informed by the dentist that she did not have insurance coverage.

We arranged to have her social worker contact Abby. The social worker explained that she had not known Abby no longer had dental coverage. She stated she would ensure coverage was reinstated and Abby's file could be kept open until the dental work was complete.

Abby was satisfied with this resolution and thanked us for assisting her.

Making connections

**Ministry of Social Development
Vancouver Island/Sunshine Coast**

Faye contacted us in April 2010 because she was unable to get through to the Ministry of Social Development on its toll-free number. Faye lived in a rural community and she had no transportation. Faye said that the trailer she lived in had been condemned and that she had found a new place to live in a different community. Faye said that she faxed her Intent to Rent form to the ministry but she needed to speak with someone to request financial assistance with moving.

We contacted the ministry and explained Faye's situation, and a supervisor called Faye that same day.

When we contacted Faye later that day, she told us that her concerns regarding her upcoming move were now resolved.

Case Summaries – Children and Youth

Youth did not understand reasons for decision

Ministry of Children and Family Development
Interior

Shona was living in a foster home when she called our Office. Shona told us that the Ministry of Children and Family Development was refusing to follow through with its agreement to move her to a foster home closer to her home community. Shona told us that instead, the ministry said she would have to go back home to live with her father as he had withdrawn his consent for her to remain in the ministry's care. She was in the ministry's care under a Voluntary Care Agreement (VCA) between her father and the ministry. The terms of the agreement permitted her father to end the agreement with seven days notice. Shona told us she was concerned that problems at home had not been addressed and that she did not understand the ministry's reasons for telling her that she had to return. Shona told us she did not feel safe at home.

We contacted the social worker and team leader involved right away to investigate whether the ministry's reasons were adequate and to ensure the ministry had responded to Shona's concern for her safety. The team leader confirmed that Shona was in the temporary care of the ministry under a VCA that they had entered into with Shona's father. The team leader also confirmed that her father had recently withdrawn his consent in accordance with the terms of the VCA, which meant that the ministry had no authority to place Shona in a different foster home.

As a result of raising Shona's concerns with the ministry, the team leader reported that staff had reviewed the issues and the ministry had no protection concerns about her return home. The Community Services manager also thoroughly reviewed Shona's concerns and concluded that there was no basis for the ministry to have concerns for her. The ministry provided information about steps the father had taken to resolve previous concerns. The team leader suggested that a transition for Shona to return home might be a workable solution.

The team leader agreed to discuss Shona's concerns further with the father who then decided not to act on the cancellation of the VCA, and thereby allow a transition period to ease Shona's return to the family home. The team leader also advised that as Shona had indicated a desire for the involvement of Aboriginal Services she was provided with information about the South Okanagan Aboriginal Child and Youth Wellness Program and the team leader offered to make a referral when Shona was ready. The team leader also advised that a referral had been made for Parent/Teen Mediation.

When we subsequently contacted Shona she told us that she was now ready to return to her home. As the ministry had demonstrated that it had addressed Shona's concerns, we concluded our investigation.

Case Summaries – Children and Youth

Separate confinement by any other name

Burnaby Secure Youth Custody Centre

Paul, a youth at the Burnaby Youth Custody Centre, contacted our Office with concerns about his extended stay in separate confinement. Paul told us that he had been involved in an incident on his unit and was given an order to spend 24 hours in separate confinement. When the separate confinement was over, Paul was not transferred back to his own unit but moved to another unit, where he was still confined separately from other youth. Paul said he had not been told why this decision was made.

We investigated to ensure Paul was being treated fairly. The Assistant Director of Operations (ADO) confirmed that following an incident in which Paul had been verbally abusive to another youth, he had been given the 24-hour separate confinement order. The ADO explained that separate confinement was meant to give youth a chance to calm down. He said that when the separate confinement period ends, youth usually work with staff on a behaviour plan for a short time away from their own unit. The behaviour plans are designed to help the youth develop skills to avoid future conflict when they return to their regular units.

The ADO told us that due to shift changes, Paul had not been informed that he would be working with a supervisor on this transition step. He advised us that the supervisor and Paul were now working on the behaviour plan.

We confirmed that the centre had taken steps to inform Paul why he had not yet moved to his unit and were engaged in the process to have him moved to his regular unit, before closing the file.

Investigation into appeal for back pay helps foster parent

Ministry of Children and Family Development Vancouver Island/Sunshine Coast

Carol, a foster parent, complained that an Agency delegated by the Ministry of Children and Family Development to provide services did not respond fairly to her request for back pay for a child with special needs. She said that nearly two years earlier a child was placed with her, prior to having his appropriate care level assessed. She understood that the assessment would occur within 30 days, and a payment adjustment would be made at that time. She had not received a written commitment of this plan, but felt she had a verbal agreement with the social workers involved in the case.

The Agency did not, however, complete the assessment of the child's care level until six months later. As the care level of the child had been increased, Carol asked the social worker to backdate the payment to cover the first six months. Her request was denied.

Carol wrote to the director of the Agency who upheld the denial and referred her to its formal appeal process. Carol submitted an appeal but contacted our Office when she had not received a response to that appeal within the specified timeframe.

Case Summaries – Children and Youth

We investigated the delay Carol had experienced. When we contacted the Agency's director we were told that the backdated payment was not approved because the Agency had not made a commitment to issue a payment retroactive to when the child was placed in Carol's care. The director said that the request was further complicated because it was for service provided in a prior fiscal year.

The director also said that the Agency did not have a record of receiving Carol's appeal on the matter. The director accepted appeal documents from Carol even though it was outside the usual appeal period. She subsequently met with Carol and made her an offer of financial settlement that Carol was satisfied with and accepted.

Carol said that the next time she signs a contract for a newly placed child she will ensure it identifies the payment process while care needs are being determined. She also said she appreciated our involvement and believed that a settlement would not have occurred otherwise.

Relative seeks Extended Family Benefits to care for grandson

**Ministry of Children and Family Development
Northern B.C.**

Wendy contacted us after the Ministry of Children and Family Development denied her request for benefits as a relative under the Extended Family Program (EFP) because she had in the past had a custody agreement for her grandson, even though it had not been in effect for several years.

Wendy told us that she had custody of her grandson for one year about six years earlier and since then he had been living full-time with his parents. The ministry became involved and recommended that the child no longer live with his parents, and Wendy agreed to have him move back in with her. Wendy was concerned that she would not be able to continue to care for him unless she received financial support as her income had been recently reduced due to retirement.

Wendy asked the ministry about the EFP and was informed that she was not eligible because she had previously had a custody agreement. Wendy said she did not think the policy should apply in her situation because the child had not lived with her for the past five years.

We investigated whether the ministry had followed a fair procedure in this situation. We spoke with the social worker who was reviewing Wendy's situation. He said that because the custody agreement in this case had not been done by the Court, and had not been reflective of the situation for a long period, the ministry could consider Wendy eligible if the child's parents were to apply for the EFP.

The social worker agreed to support one of the child's parents with the EFP application process so that Wendy would qualify for the financial assistance she needed to care for the child. The steps taken by the ministry settled the complaint.

Case Summaries – Children and Youth

A suitable laundry schedule

Burnaby Secure Youth Custody Centre

Kim, a youth in custody, contacted us after the centre brought in a new laundry schedule. He said that the new schedule allowed him to do laundry every four days, but that was not enough because he only had three sets of clothes. He played a lot of sports and needed up to two changes of clothing per day.

A director at the centre confirmed that the new schedule was put in place to address inefficient use of the laundry facilities, for example, some residents washed one or two items rather than waiting for a normal washer load. As well, not having a schedule led to overuse by some residents while others did not have access, leading to problems.

The director said she was committed to having a laundry schedule that worked for everyone. Upon completing a clothing inventory and a review of the schedule, the centre increased laundry times for each youth to four times per week. As well, missing clothes were replaced and the allotment per youth was increased.

Kim informed us that the new schedule met his needs, and we considered the complaint settled.

Foster mother gets good news from ministry

Ministry of Children and Family Development

Interior

Kate was in the process of adopting three children who had been placed in her care by the Ministry of Children and Family Development. She contacted our Office because she felt the ministry had taken too long to complete the paperwork to finalize the adoption and she'd been unable to get an update on the status of the file. She said the ministry's delay was unfair to the children.

When we contacted the ministry, staff acknowledged that Kate's adoption should not have taken so long to complete. They told us that the delay was mostly because the position of the social worker who was handling the adoption had been vacant.

The ministry explained that it planned to move ahead with finalizing the adoption process for Kate and agreed to write a letter to her explaining this plan. In its letter, the ministry acknowledged the effects of the delay and explained that a temporary adoption worker had been assigned to finalize the adoption. The ministry also gave Kate contact information for the new worker and her team leader and provided an estimate of the timeframe for completing the paperwork.

Kate was happy with this outcome. She was able to speak with the temporary worker and was pleased with the work being done to complete the adoption.

Case Summaries – Children and Youth

Custody centre improves telephone policy for youth calling family

Prince George Youth Custody Centre

Ben, a youth at Prince George Youth Custody Centre, was upset at how the centre handled his phone calls to his family. Ben said that staff would not properly track the length of these phone calls and sometimes, staff would end phone calls before his allotted time was up. Ben said this was not fair.

In the course of our investigation, we contacted the Director of Programs at the custody centre. He reviewed Ben's concerns and said that the centre had applied the telephone policy incorrectly. The facility's youth orientation manual that had been relied on in Ben's case allowed residents only two five-minute family calls per week until the resident was able to earn more privileges. The provincial policy permitted a minimum of two ten-minute family calls per week. Ben's complaint had drawn attention to this issue, and the orientation manual was revised to correctly reflect the policy. In addition, a clarification email was sent to all staff.

We also learned that the custody centre keeps a log of telephone calls made by youth in custody. When Ben made his complaint, the telephone logs did not require staff to track the length of a phone call. In response to our investigation, the centre revised its practice to require staff to record the start and end time of such calls in its phone log. This change to the record keeping practices will allow staff to respond appropriately if a similar complaint arises in the future. The practice changes implemented by the custody centre addressed the complaint and we ended our investigation.

A home for the holiday

Ministry of Social Development

Northern B.C.

Kyle, a 17-year-old youth, called our Office on a Friday afternoon before the Labour Day long weekend. Kyle said that he was living on his own and was planning to return to school the following week. He told us that he had applied for income assistance three days earlier and the Ministry of Social Development hadn't approved his application yet. Kyle said he was homeless and did not have money for food. He had found a place to stay, but could not move in until he received assistance.

We investigated Kyle's complaint on an urgent basis because he had no place to stay for the long weekend and no money for food. That afternoon, we contacted a supervisor at the ministry office. She told us that the ministry had been waiting to receive the final piece of the application, a letter from the Ministry of Children and Family Development, which was required because Kyle was still a minor. It turned out that the office had received this letter a day earlier, and had sent the application to the field manager for review and approval. When we inquired about the status of Kyle's application, the regional office told us it had been approved and a cheque was ready for pick-up. We phoned Kyle to let him know. Kyle was close by the office and said he would go there right away. The supervisor agreed to look out for Kyle as the office was about to close. Kyle picked up his cheque and was able to move into his new home for the weekend.

Case Summaries – Children and Youth

Evidence of overpayment now recognized

Family Maintenance Enforcement Program Northern B.C.

Marcus was required to pay maintenance to his former wife. When his file was enrolled with the Family Maintenance Enforcement Program (FMEP), his ex-wife said that he was in arrears on maintenance. Marcus told us that the FMEP accepted her statement without requiring her to provide supporting documentation. Marcus said he had provided proof to the FMEP that he had in fact overpaid maintenance prior to enrolment. The FMEP had told Marcus, however, that it would not credit his account unless his ex-wife agreed he had overpaid. She had not agreed. The FMEP told Marcus this decision was in accordance with its policy. Marcus believed this was unfair, so he contacted our Office.

We investigated whether it was reasonable for the FMEP to disregard information from payors like Marcus who could show a record of payment to meet maintenance obligations, because the recipient does not agree with the information.

As part of our investigation, we reviewed documentation from the FMEP and met with the Director of Maintenance Enforcement. The FMEP confirmed that it does recognize cases where the payor may have a written agreement or can make a case that an overpayment before enrolment was intended to meet a future maintenance obligation. The FMEP agreed to change its policy to make it clear that such cases could be considered, even where the recipient disagreed. The FMEP communicated this change in the policy to staff.

Marcus was no longer paying maintenance, so the change in policy did not affect him personally. However, payors are now able to bring forward evidence of overpayments prior to enrolment. In our view, this change in policy settled the complaint.

Case Summaries – Driving and Transportation

I'll fail the test if I can't practise

**Office of the Superintendent of Motor Vehicles
Vancouver Island/Sunshine Coast**

Michael had to take a driver's re-test but said that the Office of the Superintendent of Motor Vehicles (OSMV) would not let him take any lessons before the test. He felt that this was completely unfair. He explained that his driver's licence had been taken away because of poor eyesight. He had failed two road tests. Michael then had eye surgery and it was almost three months before he was well enough to take the driving test for the third time. Because he had not driven for so long, Michael wanted to take some refresher lessons before the third test but the OSMV would not give him a learner's permit. Michael failed the third test and was told he couldn't take any more driver's tests.

Michael appealed this decision and gave the OSMV a letter from his doctor that said his eyesight was now fine. After ten weeks, the OSMV had still not looked at Michael's appeal application. When Michael phoned to find out what was happening, he was told that his appeal was low priority.

We investigated whether the delay had been unreasonable. A senior adjudicator told us that the OSMV had a backlog of applications and was hiring more staff to deal with it. In our view, however, it was not reasonable to make Michael wait until this process was complete. As a result of our investigation, the OSMV agreed to assign Michael's application to an adjudicator within the week. The OSMV wrote to Michael and apologized for the delay in considering his request. The OSMV considered Michael's application and his doctor's letter and decided that Michael could take a fourth test. The OSMV also authorized Michael to get a learner's permit if he wished to take professional driving lessons before the test.

Sometimes there isn't time to wait

**Office of the Superintendent of Motor Vehicles
Lower Mainland**

Phillip called us because he was unable to visit his elderly wife in hospital. He explained that the Office of the Superintendent of Motor Vehicles (OSMV) had taken away his licence after he was in an accident. Phillip said that the accident happened when the brakes failed on his car, but the police officer did not report this detail to the OSMV. Phillip's wife was in care following a stroke and, without his driver's licence, Phillip's only way to visit her was a long and expensive cab ride. Phillip had appealed the OSMV decision but had been told it would be several weeks before his appeal would be considered. He didn't think he had several weeks to wait, given his wife's condition.

When we contacted the OSMV about Phillip's special circumstances, the director agreed to have a case manager look at the request within the week. The OSMV reviewed the request and agreed to allow Phillip to take a driver's road test to support his fitness to drive.

Phillip told us later that he took some refresher lessons and passed his driver exam with flying colours. He was very grateful that he was able to continue to visit his wife in hospital.

Case Summaries – Driving and Transportation

Higher standards for professional drivers

Office of the Superintendent of Motor Vehicles
Vancouver Island/Sunshine Coast

Yuri called us because he didn't know where else to turn. Yuri was a taxi driver and therefore required a particular class of licence. The Office of the Superintendent of Motor Vehicles (OSMV) requires holders of this licence to undergo a physical examination every two years. Yuri told us that in the past year, he had been hospitalized once as a result of a bad reaction to a prescription drug he was taking. As a result of the doctor's report his driver's licence had been taken away. Yuri thought it was unfair that the OSMV made him go for medical assessments and psychiatric tests based on this one-time hospitalization.

When Yuri contacted us, he had his taxi licence renewed but still couldn't get his motorcycle licence. He believed that if he was deemed safe to drive the public he ought to be deemed safe to drive by himself on his motorcycle.

We investigated to determine if the reasons provided by the OSMV were adequate and appropriate. During our investigation, we learned that the OSMV had acted in accordance with the *BC Physicians Guide to Determining Fitness to Drive* and had decided that a two-year licence to drive a taxi was appropriate for Yuri. Our review of the documents determined that the OSMV's decision was reasonable under the circumstances. As Yuri was a professional driver he had to meet the standards of the National Safety Code, which sets the schedule for medical exams.

Yuri didn't understand the requirements, however, and had concluded that the OSMV had singled him out for medical assessment because he had once been in hospital. In addition, Yuri did not know what he had to do to get his motorcycle licence back. As a result of our consultation with the OSMV, a senior official at the OSMV agreed to write to Yuri. The letter explained why Yuri had to get medical exams every two years if he wanted to continue to drive professionally.

In addition, the letter confirmed that Yuri was fit to hold a motorcycle licence and apologized to him for not including the renewed licence sooner. The letter authorized Yuri to get a duplicate licence at no charge for taxi, personal vehicle and motorcycle.

As the OSMV responded to Yuri's concerns, provided the means to have his licence renewed without charge, and provided adequate reasons for its decisions, we concluded that the complaint was settled.

The cheque is in the mail

Insurance Corporation of British Columbia
Out of Province

Jack was seriously injured in a car accident in 2004 and received a disability pension from ICBC for his injuries. ICBC sent his disability cheques by mail but the cheques did not reach him until late each month. Jack needed the money to pay his bills and didn't think it was fair that ICBC was delaying sending it to him.

Case Summaries – Driving and Transportation

In the course of our investigation, we learned that the cheques were sent at the beginning of the month but, as Jack now lived in a different province, mail delivery was taking up to three weeks. As a result of our discussions with ICBC about Jack's problem, ICBC arranged to deposit his disability cheques directly into his bank account on the 1st and the 15th of each month. Jack no longer had to wait for the cheque in the mail.

Accident with moose leads to repair dispute

**Insurance Corporation of British Columbia
Northern B.C.**

Laura had been in a vehicle accident with a moose. Her van suffered serious damage, which ICBC repaired. But even after it was fixed, the van continued to have engine problems, which Laura thought were caused by the accident. ICBC didn't agree. Laura said that if ICBC had included the engine problems in its repair estimate, her van would have been written off and she wouldn't be left with a faulty vehicle.

Laura had tried to resolve her dispute with ICBC herself. She searched the ICBC website to see what review or appeal processes were available to her but could only find information about ICBC's Fairness Commissioner. The Fairness Commissioner describes his jurisdiction as concerned with procedural fairness. Under the *Insurance (Vehicle) Regulation*, disputes about material damages are to be dealt with through arbitration. Laura did not think ICBC had told her about any dispute mechanism other than the courts.

We investigated whether ICBC had adequately informed Laura about its available review and appeal procedures. We also examined the information that ICBC gives its customers on options for resolving material damage disputes.

When we reviewed ICBC's records, we saw that its staff had discussed arbitration but with Laura's husband, not with Laura. ICBC staff agreed to write to Laura and explain the arbitration option that was available under the *Insurance (Vehicle) Regulation* in more detail.

Also, as a result of our investigation, ICBC has put more information on its website about how customers who have material damage disputes can access the arbitration process.

Driver impersonation

**Office of the Superintendent of Motor Vehicles
Interior**

Jason visited us while we were on tour to discuss a driving prohibition he had received from the Office of the Superintendent of Motor Vehicles (OSMV). He was prohibited from driving after a September 2009 violation ticket was put on his driving record. Jason told the OSMV that he wasn't driving his vehicle when the ticket was issued but the OSMV told him to talk to the RCMP. Later the RCMP reversed the September 2009 violation ticket as it was actually given to another person. This information was sent to the OSMV by the RCMP.

Case Summaries – Driving and Transportation

After we began our investigation, OSMV staff told us that they had the note about the RCMP information but that it had not been properly considered. The OSMV promptly wrote an explanatory letter to Jason advising that the violation ticket was removed from his driving record. Since his four-month prohibition was triggered by the September 2009 violation ticket, the OSMV wrote that the prohibition had also been removed from his driving record.

Case Summaries – Education

Student gets another chance due to oversight

StudentAid BC

Lower Mainland

Julie contacted our Office to complain that StudentAid BC treated her unfairly in denying her student loan application and refusing to allow her to appeal the decision.

The information we reviewed indicated that Julie had not successfully completed several terms. Consequently, her application for student loan funding was not approved in 2007. Julie's appeal of that decision was allowed but subject to a condition that if she had one more unsuccessful term she could get no more funding, nor could she appeal any future denial though Julie did not know this.

As Julie did not successfully complete the January 2010 to April 2010 semester, her application for further funding was not approved and she was not given an opportunity to appeal.

In the course of our investigation of this matter, StudentAid BC acknowledged that the letter Julie received from StudentAid BC in 2007 did not include information concerning the consequences of any subsequent unsuccessful completions or withdrawals. As a result, StudentAid BC advised that it would give Julie the opportunity to appeal the most recent decision to deny funding.

University reconsiders decision

University of Northern BC

Simon contacted us with a complaint concerning the University of Northern BC (UNBC). Simon had applied to UNBC to register for graduate studies. UNBC reviewed his application and noted that Simon had not included a transcript from the university where he said he had obtained an undergraduate degree. UNBC wrote to Simon to say his registration was not accepted. Simon told us that UNBC did not provide him with adequate and appropriate reasons for deciding to cancel his registration at UNBC. Simon then wrote to the President of UNBC but told us that the President did not adequately respond to the concerns Simon raised.

We investigated whether UNBC had provided Simon with adequate reasons for the decision to reject his application for registration. We determined that there were inconsistencies in Simon's application to UNBC. In reviewing the matter further, UNBC concluded that there may have been miscommunication and that they were satisfied that Simon was not attempting to deceive but rather did not fully understand the requirements. As a result of our investigation, the President reviewed the matter further and acknowledged that UNBC had also been inconsistent in responding to Simon.

As a result, UNBC decided to allow Simon to reapply to its graduate program, following the registration requirements which were now clear to him. UNBC also advised Simon that it would waive the registration fee. We believed this outcome was a fair and reasonable resolution to Simon's concerns. As such, we concluded our investigation of this matter.

Case Summaries – Health

Please put that in writing

Fraser Health Authority

Susan contacted our Office complaining that she was denied adequate and appropriate treatment by staff at two Fraser Health Authority (FHA) emergency wards. She said she told staff members she needed physical care but they focused on her known mental health issues, and even though they detained her involuntarily overnight, they did not give her written notice as required by the *Mental Health Act*. Susan said that FHA staff had never given her written notice despite her having been involuntarily admitted approximately ten times. Susan took her concerns to the Patient Care Quality Office (PCQO) but, when she received the PCQO concluding letter, she felt they had not conducted a real investigation into her concerns.

We investigated whether FHA and specifically the PCQO had used a fair procedure in responding to Susan's concerns.

We reviewed the entire PCQO investigative file, which included nursing notes, physician consults, notes of interviews with nurse managers and physicians, security officer reports and hospital policies. We also considered relevant legislation and policy, as well as information provided by Susan and by FHA.

While our Office was satisfied that the PCQO had understood and investigated Susan's concerns, and had worked with FHA to address any deficiencies, we found the PCQO had not provided a thorough explanation to Susan of the action taken as a result of her complaint.

We felt that Susan deserved this explanation and that it would benefit both her and FHA. The managing consultant at the PCQO wrote to Susan explaining the investigative process used by the PCQO, the information it considered and the steps taken by FHA to address deficiencies in the application of the *Mental Health Act*. The managing consultant also addressed Susan's specific concerns about nursing staff contact with her family, her treatment by security guards and the use of cameras in emergency room settings.

We were satisfied that this effectively addressed the "missing piece" from an administrative fairness perspective, that is, communicating the results of the investigation.

Involuntary patient reimbursed for residential care fees

Vancouver Island Health Authority

Marcia, a senior, was voluntarily admitted to a residential care facility on Vancouver Island for a short-term stay while adjusting to a change in her medication. While she was there, her condition worsened and she was admitted to hospital as an involuntary patient under the *Mental Health Act*.

Marcia explained that while she was in the hospital involuntarily, there was a bed shortage so the hospital moved her back to the residential care facility. She was then kept there for four months and not allowed to leave. After Marcia had recovered and been released, she learned that the Vancouver Island Health Authority (VIHA) had charged her more than \$4,800 for the involuntary part of her stay in the residential care facility. She argued that she had not consented to these charges and that it was unfair to make her pay for the involuntary part of her stay. Marcia discussed her concerns with one of VIHA's social workers, who had tried to get her a reimbursement. Marcia was later told that it wasn't possible to reimburse her.

Case Summaries – Health

When we investigated, VIHA confirmed Marcia's account of what happened. VIHA staff clarified that when Marcia was moved back to the residential care facility due to the hospital bed shortage, she continued to be an involuntary patient who was still admitted to the hospital. This was because legally, the move was not a patient transfer, but instead an "extended leave" under the *Mental Health Act*. In response to our investigation, VIHA acknowledged that it had not always charged involuntary patients fees when they were on "extended leave" in residential care facilities. It agreed to repay Marcia the full amount she'd been charged for her involuntary care.

While this resolved Marcia's problem, we also recognized that the practice of charging fees to patients who have been involuntarily admitted to a mental health facility and then put on extended leave and moved to a residential care facility was a larger systemic issue. We brought this issue to the attention of our Systemic Investigation Team for investigation. That investigation is ongoing.

Resolving a debt

Provincial Health Services Authority Lower Mainland

Fatima had received maternity/parental benefits from her employer, the Provincial Health Services Authority (PHSA). However, when she resigned, these benefits became repayable. She agreed that the debt was valid but said that when she tried to negotiate a payment plan, PHSA did not respond fairly. Fatima complained that PHSA did not respond for significant periods of time and when it threatened on short notice to send the matter to a private collection agency, she called our Office.

We investigated as to whether PHSA had followed a fair procedure in its communications with Fatima to recover the debt. PHSA agreed to hold off on the collection activity during the investigation and subsequently let us know that it had reached an agreement with Fatima to resolve the dispute. Fatima confirmed that she had obtained a loan to pay off the balance owing, and that PHSA staff had met with her, acknowledged that their communications could have been handled better, and apologized verbally. PHSA confirmed that the matter had been cleared from Fatima's credit record and human resources record. We considered the complaint settled.

Man approved for hip replacement

Vancouver Island Health Authority

Manuel came to our Office in the summer of 2010 because he was being charged by the Vancouver Island Health Authority (VIHA) for a non-standard hip replacement. Manuel had a hip replacement in 2004 that was fully funded by the Ministry of Health. His other hip was severely arthritic and also needed to be replaced. Manuel said he contacted the Ministry of Health and was told the ministry no longer covers the type of non-standard hip replacement he was seeking.

Case Summaries – Health

Manuel's surgeon had told the health authority that the non-standard hip replacement was medically necessary due to Manuel's age, weight, activity level and previous non-standard hip replacement. Manuel said he received a letter from VIHA stating the non-standard procedure was not fully funded and that he would have to pay \$2,118 in direct charges. Manuel is on disability assistance and receives a monthly income of under \$800. Manuel thought it was unfair that VIHA would not cover the entire cost.

We investigated to determine if VIHA's reasons were adequate and appropriate. We learned that health authorities are permitted to charge patients for optional or alternative medical devices that are not medically required. When the patient prefers such an alternative device without recommendation by the attending physician as "medically required," the patient may be charged for the difference in cost between the alternative and standard device.

Under ministry policy, health authorities must provide alternative prosthetic devices at no cost to the patient if the attending surgeon has provided written confirmation that the alternative device is medically required for the patient and that the standard procedure and device are not medically appropriate.

As a result of our investigation, VIHA reviewed Manuel's file and confirmed that the surgeon had completed a form confirming that the non-standard prosthesis was medically required. However, the surgeon had also submitted a form earlier indicating that Manuel understood that the non-standard prosthesis was requested as his preference and that he was aware that there were cost-sharing implications. After discussing the situation with us, and speaking with Manuel's surgeon directly, VIHA agreed to provide the non-standard prosthesis to Manuel at no cost to him. VIHA also clarified the forms with the physician and notified Manuel of their decision.

Deductible reduced

PharmaCare

Lower Mainland

Leigh called our Office to complain that PharmaCare had raised her deductible to \$10,000 because her income could not be verified due to a late tax return caused by a bankruptcy. She had a low income and high prescription costs and was unable to pay for her necessary medications.

Leigh's bankruptcy trustee had filed her income tax forms late because he thought there may be additional documents to submit to the Canada Revenue Agency (CRA). Leigh was concerned because her prescription costs were \$4,500 per month, which she could not afford as she earned around \$24,000 per year. Leigh had been unable to resolve her concerns with PharmaCare.

We investigated to determine if PharmaCare's process was reasonable. PharmaCare informed us that it uses income tax data from two years prior to calculate the coverage a family receives in situations such as this. A family pays their full prescription costs until they reach a level known as a deductible. Once their deductible is reached, PharmaCare begins assisting with eligible costs for the rest of the year. British Columbians with the lowest incomes receive assistance immediately.

Case Summaries – Health

PharmaCare told us that Leigh's deductible had already been extended for 90 days and that her deductible had now defaulted to \$10,000 because it was unable to verify her income for 2008. PharmaCare said it was not prepared to consider a further extension as there did not appear to be exceptional circumstances and it had advised Leigh to file a tax return if she wanted to continue to receive assistance.

Leigh told us she did not receive any letters advising her that her deductible would default to \$10,000 if she didn't file her tax return. Leigh explained it was the responsibility of her bankruptcy trustee to file her return. She indicated that the 2008 return had now been filed but she said it would take several weeks for CRA to process it. In the interim Leigh said she could not afford the cost of her prescription drugs.

In response to our investigation, PharmaCare agreed to accept, on an exceptional basis, a copy of Leigh's 2008 T1 General along with written confirmation from her bankruptcy trustee that the return had now been filed. PharmaCare advised that this would be used to determine Leigh's financial assistance until her net family income could be verified by CRA. As PharmaCare had extended Leigh's interim coverage by 60 days, we considered the matter settled.

MSP corrects error

Health Insurance BC Lower Mainland

Erika contacted our Office because she felt it was unfair that the Ministry of Health refused to retroactively remove her ex-spouse from her Medical Services Plan (MSP) account. Erika said her ex-spouse had been covered under her former employer-paid account, and his name was automatically included under her self-pay account when her employer coverage was cancelled in November 2009.

Erika separated from her ex-spouse in December 2009. She explained that she was unaware that she was responsible for paying the premiums for him until July 2010 when she received her first bill from Health Insurance BC (HIBC) for \$714 for medical premiums. At the time, Erika said she contacted HIBC to request that her ex-spouse be removed from her account retroactively because of the separation. She was told that he would be removed as of September 2010 but that nothing could be done about the previous months' billing.

We investigated to determine whether the process followed by HIBC was reasonable. We contacted the ministry and were told that when a person applies to cover his/her spouse, the person assumes responsibility for remitting premiums on behalf of the spouse. MSP explained that when a request is received to remove a spouse, the spouse is removed at the end of the month the request is received and the spouse is then set up on his/her own account. When a couple has been separated for months or years, the client must provide proof of a legal separation or a divorce agreement in order to retroactively cancel a spouse from the premium account. Otherwise, cancellation may only take place at the beginning of the month following the request.

MSP advised that according to their records, in March 2010 Erika's former employer removed her name from their group account effective November 19, 2009. The employer had submitted an earlier request in November 2009 but the cancellation had not been processed. MSP noted that credits for retroactive cancellations are allowed up to a maximum of two months including the current month.

Case Summaries – Health

MSP explained that when HIBC processed the employer's cancellation request on March 30, 2010, there was no record of HIBC having received the November 2009 cancellation request. Therefore, Erika's name was removed from the employer-paid account as of January 31, 2010. A self-pay account was established under Erika's name effective February 1, 2010 and since her ex-spouse's name had been included under her employer-paid account; his name was automatically included under her self-pay account.

According to MSP, Revenue Services of BC changed Erika's address on their system and premium invoices were sent to the new address starting in July 2010. Their records show that Erika spoke with HIBC in July 2010, requested that her ex-spouse's name be removed from her account and confirmed her correct address. MSP indicated that the ex-spouse's name was removed from Erika's account as of July 31, 2010, which was the earliest date HIBC could make the adjustment because Erika did not provide a legal separation or a divorce agreement.

In response to our investigation, MSP reviewed the cancellation notice from Erika's previous employer and noted that a new address had been provided. However, HIBC had not updated Erika's account. Due to the delay in the employer submitting a request to cancel Erika's account and due to HIBC not updating her address, MSP agreed to approve Erika's request to remove her ex-spouse's name from her account as of February 1, 2010. With this adjustment, MSP advised that \$270 was removed from Erika's outstanding balance.

Father reimbursed for the cost of his son's flight home

Interior Health Authority

Sam contacted our Office because Interior Health Authority (IHA) staff had not kept their promise to transport his son, Frank, by air ambulance from Royal Jubilee Hospital back to a hospital near his home after his treatment in Victoria.

We investigated this matter and reviewed IHA's records and policies. While we were unable to find evidence that IHA staff had promised to fly Frank home by air ambulance if he was discharged, it seemed clear that everyone expected Frank would not be discharged in Victoria but rather would be returning to a hospital in Interior Health. In these circumstances, he would have been returned by air or land ambulance. The discussions that Sam and Frank had with IHA staff before Frank was taken by air ambulance to Victoria had all taken place with that assumption in mind. After extensive discussions with IHA staff, IHA decided in these unusual circumstances to reconsider its earlier decision and agreed to reimburse the cost of Frank's flight, which had been paid by Sam.

Sam wrote to our Office to express his appreciation for the work we did settling his complaint.

Case Summaries – Health

Waiting for an answer

Northern Health Authority

Angela was upset that while she was in the hospital recovering from a C-section, staff treated her and her then three-day-old baby poorly. She said the hospital, located within the Northern Health Authority (NHA), did not give her reasons as to why she was quarantined, left her meals in the hallways for long periods before giving them to her and pulled her baby's hair when removing some tape that had been applied as part of a medical procedure. Angela contacted us because although the Hospital Administrator had agreed to investigate her concerns, he had not done so.

We discussed the complaint with NHA who advised us that a review had been undertaken by the Hospital Administrator and the Patient Care Quality Officer (PCQ Officer).

In the letter, sent within the 30-day time limit, the PCQ Officer acknowledged that the health authority had not properly implemented infection control measures or adequately communicated the reasons for Angela being quarantined. She responded directly to a number of other concerns Angela had raised. The PCQ Officer said that hospital staff had learned from Angela's experience in hospital. The Officer offered Angela a sincere apology for her experience at the hospital.

A second family council

Northern Health Authority

Justine called our Office about the Northern Health Authority (NHA). She said she belonged to the family council for a residential care facility where her father had lived until his recent death. She said that NHA had taken steps to start a new resident/family council and she was concerned that the health authority planned to replace the existing council or diminish its role. Justine said she was told the new council was being developed in accordance to guidelines, but she was not able to obtain these guidelines.

When we investigated, NHA told us that it would continue to recognize the existing family council. NHA continued to provide a liaison for this council, respond to the council's concerns and provide space at the facility for the existing council to meet. NHA also agreed to provide Justine with a copy of the relevant guidelines.

Coverage for special seizure medication extended

PharmaCare

Lower Mainland

Nancy was concerned about the way PharmaCare was handling the renewal of coverage for an anticonvulsant drug that her son needed to prevent seizures.

Nancy's son Mark was an adult who had a significant mental disability. He lived in the community but needed 24-hour staff support. He was also taking an anticonvulsant drug to control his seizures. While this medication was not covered as a benefit under PharmaCare, Nancy knew that coverage for drugs that

Case Summaries – Health

aren't included as benefits can be granted on a case-by-case basis. PharmaCare had approved time-limited Special Authority coverage for the medication. A month before this coverage expired, Nancy sought a renewal and asked Mark's physician to complete the necessary paperwork. The doctor did this and submitted the paperwork but nearly two months later the application had still not been approved. Nancy was looking at having to pay for the cost of the medication herself.

She believed this delay in reviewing and approving the application was unfair to Mark and to her.

Our Office investigated whether PharmaCare had handled Mark's application for exceptional coverage fairly. The Director of PharmaCare's Special Authority Program acknowledged that the handling of Mark's application raised some valid concerns and she changed Mark's coverage from time-limited to indefinite in order to avoid any future lapses.

Wheelchairs for all maximum security units

Forensic Psychiatric Services Commission, Provincial Health Services Authority
Lower Mainland

Steven was a patient at the Forensic Psychiatric Hospital (Hospital). He explained that when he was transported to Royal Columbian Hospital for emergency health care due to a broken arm, he had to walk with his legs in shackles to the transportation vehicle. Steven told us that he was in extreme pain at this time. He felt that he should have been taken to the transportation vehicle in a wheelchair.

We agreed to investigate Steven's complaint regarding the absence of wheelchairs on his unit and spoke with the Director of Patient and Client Services at the Hospital. After the Hospital reviewed this matter and considered Steven's circumstances, it made a decision to purchase wheelchairs for all maximum security units.

Steven was pleased his complaint had been taken seriously.

Case Summaries – Home

How do I complain about service?

BC Utilities Commission

Lower Mainland

Pierre phoned us because he couldn't afford to pay his gas bill. He told us it all started two years ago when an aggressive gas salesperson tricked him into signing a multi-year contract. The salesperson told Pierre that signing the contract was the only way to be safe from rapidly rising gas prices. Pierre said that gas prices did not rise and now he was forced to continue to pay a much higher price than if he had not signed the contract. Pierre phoned the BC Utilities Commission to complain about the tactics of the salesperson but all the Commission said was that his only option was to cancel his contract on its anniversary date, and that he would probably have to pay a penalty. Pierre felt that the Commission had misunderstood his complaint.

We investigated whether the Commission had been fair in the way it handled Pierre's complaint. We learned that the Commission had two complaint mechanisms – one for disputes about the actual contracts signed with gas marketers, and one for complaints about service provided by gas marketers. Complaints about service had to be in writing but disputes about contracts could be made over the phone. The problem was that the information about this was provided on the Commission's website, but the Commission did not have a clear means of informing customers without internet access about how to make a complaint.

In Pierre's case, because he phoned in his complaint it was treated as a contract dispute, which meant that the Commission didn't look at Pierre's concerns about the salesperson's tactics. When we explained to a Commission representative that Pierre had no way of knowing that he should have written rather than phone, the Commission agreed to investigate his complaint about the salesperson.

Even though Pierre's concerns about the gas seller were being investigated by the Commission, we also asked the Commission to improve its communication about the dispute/complaint processes. The information was on the Commission website but there are many people who do not have access to computers and the internet. We also wondered how people would know that they could seek a reconsideration of a decision as there was nothing on the Commission decision letters about reconsiderations.

As a result of our investigation, the Commission made the following improvements to its process:

- Customers calling the call centre with concerns about a marketer are now told about the two processes and that service complaints must be in writing. Customers with internet access are directed to the Commission website for information on how to register a complaint, and customers without internet access are given the Commission's direct telephone number. If a customer calls, the Commission explains the complaint process and offers to mail the information that was previously only available on the internet.
- All customer dispute decision letters from the Commission now include information about how to apply for a reconsideration.

Case Summaries – Home

A new patio for Ravi

**Public Guardian and Trustee of BC
Interior**

Ravi was a client of the Public Guardian and Trustee of BC (PGT), and the PGT was responsible for administering his financial affairs. He believed that the PGT had mismanaged its oversight of the building of a patio for his home. Ravi said that, against his wishes, a property manager with the PGT accepted the lowest bid from a contractor known to do poor work. As a result, his patio was built incorrectly. Ravi said that he had complained about the work to the property manager on many occasions, but nothing was done to address the problem.

We investigated to ensure that the PGT had fairly responded to Ravi's concerns. In response to our investigation, the PGT reviewed the work done on Ravi's home. The review determined that the patio had not been properly constructed because the contractor did not excavate the area and establish a proper foundation before building the patio.

After consultation with our Office, the PGT agreed to cover the costs of pulling up the patio and replacing it over an appropriate foundation. As there had not been any excavation done in the first place, however, the excavation and required gravel would be paid by funds from Ravi's trust. We considered this a fair resolution and ended our investigation.

Was it a copy and paste error?

**Residential Tenancy Branch
Lower Mainland**

Brian told us that he was a tenant involved in a dispute with his landlord. The landlord applied to the Residential Tenancy Branch (RTB) and obtained an Order of Possession. Brian applied to the RTB to have the decision reviewed, but he believed that the Dispute Resolution Officer based his decision on evidence from another case.

We investigated Brian's concerns that a decision was based on a mistake of facts. In response, the Executive Director of the RTB informed us that the Dispute Resolution Officer reviewed the file and confirmed that he had indeed included an unrelated paragraph and a quotation from another decision. However, he maintained that the unrelated information was not used in his decision regarding Brian's case and did not alter the outcome of his original review. After considering the situation, we agreed.

The Dispute Resolution Officer sent a corrected Review Decision to Brian along with a letter explaining the error. He also sent a separate letter of apology.

Case Summaries – Home

Who let the dog out?

BC Hydro

Lower Mainland

Kathy looked after rescue dogs in her home and over the years had sometimes had problems with meter readers from BC Hydro leaving her back gate open after accessing her property. Once this had allowed one of her dogs to escape and go running around on a busy Vancouver road.

Kathy had arranged for BC Hydro to call her the day before reading her meter so that she could make sure to keep her dogs in the house and close her gate after the meter readers were done. The meter readers, however, didn't always give her enough notice. Kathy was hoping that our Office could help her and avoid another close call with one of her dogs.

When we investigated, BC Hydro explained that it was not always able to call Kathy the day before a meter reading. After considering the situation, BC Hydro agreed that instead of using Kathy's back gate, meter readers would knock on Kathy's door so she could allow them access to her meter. BC Hydro also agreed that if this wasn't possible, its meter readers would estimate her electricity consumption instead.

This arrangement produced a satisfactory resolution to the problem.

Outstanding hydro bill settled

BC Hydro

Interior

Robert complained to our Office that BC Hydro had unfairly billed him for hydro services at a rental residence that included the utilities, such as hydro. The account balance for hydro at the time Robert contacted us was over \$1,000. Robert wrote to BC Hydro and sent them a copy of the tenancy agreement to prove that the hydro was to have been included in his rent. BC Hydro did not respond or act on the correspondence.

We notified BC Hydro that our Office was investigating whether it had provided Robert with an adequate or appropriate response to his correspondence. BC Hydro's response included an investigation of the complaint and reversal of the outstanding account charges. They wrote to Robert to advise him of the outcome. Based on this action, we closed our file.

Case Summaries – Home

Processing the grant

**Real Property Taxation, Ministry of Finance
Vancouver Island/Sunshine Coast**

Harold, a retired businessman, complained that the Ministry of Finance used an unfair procedure in dealing with his disabled son's application for an additional Home Owner Grant (HOG).

Harold told us that he had submitted the application and all the required information numerous times on behalf of his disabled son, yet the grant was not processed. Our Office notified the ministry that we had commenced an investigation into whether it had used a fair procedure in processing the disability HOG application.

As a result of our investigation, the ministry reviewed this particular application and confirmed that all of the required information had been submitted. The ministry applied the grant, which resulted in the outstanding tax balance being cleared.

Mandatory meal program reviewed

**BC Housing
Interior**

Mr. Green contacted us because he was unhappy about having to pay for meals that he didn't like. A few years ago, he had moved into an apartment in a building operated by BC Housing. His apartment had full cooking facilities, but tenancy in this building required mandatory participation in a Seniors' Supportive Housing program that included a lunchtime meal, along with light housekeeping and social activities. Mr. Green prepared breakfast and dinner himself in his apartment but did not like the quality of meals at lunchtime. Kitchen staff met with him several times and tried to accommodate his taste, but Mr. Green continued to be dissatisfied. He asked to opt out of the program, but his request was denied.

We reviewed the Seniors' Supportive Housing policy with BC Housing staff. They had correctly applied their policy in this situation. BC Housing's records showed that many tenants relied on the program to extend their ability to live independently. BC Housing maintained that it would be difficult to keep the program viable if tenants were frequently opting in and out.

However, Mr. Green was not the only tenant in this building who had raised concerns about the mandatory nature of the program. BC Housing said that a provincewide program review was scheduled for later in the year, but it would review the policy in place at this residence now. BC Housing wanted to ensure that it was flexible in meeting the needs of residents, so it provided all tenants with a letter giving them an opportunity to stay in the mandatory meal program or withdraw from it. Mr. Green took the opportunity to withdraw from the program.

We concluded that the steps BC Housing took to settle the complaint were fair and reasonable and closed our file.

Case Summaries – Home

FMEP improves information about liens

Family Maintenance Enforcement Program Vancouver Island/Sunshine Coast

Mike had been out of work for a while and so had fallen behind on his court-ordered child support payments to the Family Maintenance Enforcement Program (FMEP). He had, however, agreed to a Voluntary Payment Agreement (VPA) and thought this would stop the FMEP from taking other action.

Mike was surprised when, a week before the VPA was to take effect, he found out that the FMEP had registered a maintenance lien against the house he owned with his current partner Kelly. The couple felt that it was unfair for the FMEP to do this when Mike had already agreed to pay what he owed. They were concerned the lien might affect their plans to remortgage their house and use that money for renovations. Mike and Kelly also said the FMEP had led them to believe it would not be taking action against Mike unless he broke the terms of the VPA.

By the time they called us, Mike had already repaid what he owed, but the FMEP was not prepared to remove the lien. Mike and Kelly thought this was unfair.

We investigated whether the FMEP had responded fairly to Mike and Kelly's request to remove the lien. Early in our investigation, we learned that the FMEP had given the couple a priority agreement, which allowed them to remortgage their home to pay for the renovations. We had concerns, however, about the information the FMEP had given the couple about registering liens on property. We also wanted to look at whether the FMEP had given them adequate and appropriate reasons for its decision to register and maintain the lien and whether this decision was in line with its policies and procedures.

When we reviewed the information the FMEP had given Kelly and Mike, we thought it indicated that the FMEP would only take enforcement action if a VPA was breached. When we asked FMEP staff about this, they said that in general, their policy was to seek voluntary agreements before taking enforcement action, but this was not the case for liens on real property. Registering a lien against real property is different from other enforcement measures because doing so secures not only arrears, but any future payments. The FMEP's policy allows for liens to remain in place, even after arrears have been paid and case law supports this. In Mike's case, FMEP staff were keeping the lien in place because his children were still relatively young and they wanted to secure future payments. They explained this policy and the reasons for it in a letter they sent to Mike and Kelly.

While the FMEP's decision was not unfair, we did not think the information it gave to people in these situations accurately described its practices. As a result of our investigation, the FMEP changed the wording of its handbook for lawyers and payors to reflect its policy. The FMEP also created a fact sheet and a standard cover letter on land registrations that it agreed to send people when it registered a lien against the title of their home.

Case Summaries – Income and Community Support

Woman with broken jaw helped to see specialist

Ministry of Social Development

Northern B.C.

Leila's jaw was broken in six places. Given the complexity of her injury, her doctor had referred her to a specialist in Vancouver. Leila, however, was on income assistance and lived in Prince George, so couldn't pay for the trip herself. She came to our Office because the Ministry of Social Development had refused to cover her travel costs because regulations said it could only do so if her injury was "imminently life-threatening."

After collecting information from Leila, we spoke with the ministry. We were told that Leila's doctor had indicated that her condition was imminently life-threatening. When the ministry followed up with a nurse practitioner and another doctor at Leila's clinic, however, they had said that while it was very important for her to see the specialist, in their opinion her condition was not imminently life-threatening.

During our investigation, Leila's doctor contacted us to explain that as Leila could not eat normally and had been prescribed large doses of morphine to deal with the pain of her injury, in his opinion her condition was life-threatening. He said he had attempted to inform the ministry of this by phone but did not have the time to wait on the ministry's general contact line, which was the only number he had been provided with. We quickly arranged direct contact with one of the ministry's community service managers.

After talking with Leila's doctor, ministry staff approved Leila's request for travel assistance.

Ministry arranges for disability benefits

Ministry of Social Development

Vancouver Island/Sunshine Coast

Jason was to be released from the Vancouver Island Regional Correctional Centre (VIRCC) in a week and wanted to get his disability benefits arranged before his release as he suffered from a chronic disease and needed his medical benefits to be in place on his release.

Jason had called the Employment and Assistance Worker (EAW) at the ministry and explained that he did not need costs for shelter as he had arranged to stay with a female friend when he was released, but he did need support and medical benefits. The EAW had told him that he and his female friend would have to apply as a couple as they would be living in a marriage-like relationship. Jason felt this was unreasonable as he was staying with his friend temporarily and did not know if she would be willing to apply for benefits with him or support him in this way. Jason's main worry was that his medical benefits would be interrupted.

We investigated to determine if the ministry's process in responding to Jason was reasonable. We found that before he was incarcerated, Jason and his former wife were on the same file for disability benefits. While he was at VIRCC he separated from his wife and was removed from the benefits file. It appeared that only his ex-wife remained on the file and the EAW overlooked this fact as his past file with the ministry was under his ex-wife's name, not his.

Case Summaries – Income and Community Support

We asked for the evidence relied on by the ministry in determining that Jason and his friend would be in a common-law relationship. When the ministry acknowledged there was no such evidence, we suggested to the ministry that it appeared premature to draw conclusions about the nature of Jason's living arrangements given that he and his friend had not yet lived together. The ministry agreed and accepted his application for disability benefits so there would be no disruption in his medical benefits. We considered Jason's complaint settled and closed our file.

Ministry takes extra steps to help single mom

**Ministry of Social Development
Lower Mainland**

Dharma and her child were facing eviction from subsidized housing because she was unable to pay her rent.

Dharma had applied for emergency assistance from the Ministry of Social Development. She explained that she could not pay her rent because money had been stolen from her bank account. When the ministry reviewed her bank account activity to determine her eligibility for assistance, they questioned a recent transaction and requested more information from her, delaying her application. Dharma and her five-year-old daughter were facing immediate eviction from their subsidized housing unit. She did not think that the ministry was going to assist her.

We investigated to ensure there was no delay in processing Dharma's request for assistance. The Employment and Assistance Worker (EAW) informed us that the ministry needed one piece of financial information before it could approve assistance for Dharma. We informed the worker about Dharma's pending housing crisis and inquired whether the ministry ever contacted landlords directly to advise them that the process was delayed. The worker offered to get the needed information and to talk to Dharma's landlord to request an extension on the eviction.

Later that same day, the EAW informed us that she had the necessary information to approve assistance for Dharma, and that the landlord had agreed to extend the eviction notice. The EAW let Dharma know that a cheque would be available the following morning and that she would likely be eligible for assistance for the following month as well. Dharma was able to pay her rent and avoid losing her housing and her rental subsidy due to the extra steps that the EAW took on her behalf.

Persistence results in supplement payments

**Ministry of Social Development
Vancouver Island/Sunshine Coast**

June is a single mom receiving disability benefits from the Ministry of Social Development. When she received a lump sum retroactive payment for child maintenance arrears she became ineligible to receive funds from the ministry for a period of time. June said that she was able to keep her disability status and was assured by her Employment and Assistance Worker (EAW) that when the maintenance arrears ran out, June would be reinstated on disability benefits. In the meantime, the ministry continued to cover June's medical services as a Medical Services Only (MSO) file.

Case Summaries – Income and Community Support

June said that from her discussions with her EAW, she understood that when her disability benefits were reinstated, all of the benefits that she had previously been receiving from the ministry would be reinstated, including a nutritional supplement of \$165 per month. People on disability benefits can apply for a monthly nutritional supplement when they have a severe medical condition causing a chronic, progressive deterioration of health with symptoms of wasting.

When the disability benefit cheques resumed, there was no breakdown of what was included, but June eventually became aware that she seemed to be going deeper and deeper into debt. She realized that she was not receiving funding for her nutritional supplement. June asked her EAW if she could receive a retroactive payment for the nutritional supplement based on her understanding that this benefit was to have been included when her disability benefits were reinstated.

June said that ministry staff were sympathetic but told her there was nothing they could do. They said that she had to re-qualify for the nutritional supplement because she had not received it in over a year. Eventually, the ministry submitted a recommendation that June not have to go through requalification and the nutritional supplement was reinstated, but almost two years after June's benefits had been reinstated.

When June contacted our Office, she had gone through an administrative reconsideration of the decision that she was not entitled to retroactive payment for the months that she did not receive the nutritional supplement and had gone through an appeal with the Employment and Assistance Appeal Tribunal. She said that even though she was not successful in her appeals, she still believed that it would be unfair if the ministry did not provide a retroactive payment for the nutritional supplement because she was told by her EAW that all of her benefits would be reinstated.

We agreed to investigate. Our first step was to contact the ministry's assistant supervisor who had been involved with June's appeals. We discussed June's concern that the ministry might not have followed a fair process to reach a decision about her request to receive retroactive coverage for her nutritional supplement, based on her understanding about what was to have taken place when her disability benefits were reinstated. We requested and received copies of the ministry's records for the period of time from when June went on MSO status to after her reinstatement to disability benefits. After reviewing the records, we had concerns and consulted with the ministry's Manager of Community Relations and Service Quality to ask that the ministry take a further look at what took place when June's file was changed to MSO. The manager agreed to conduct a thorough review of the issue. Eventually, the ministry determined that June should receive a retroactive payment of \$3,465, which represented 21 months' nutritional supplement at \$165 per month. The ministry also identified a number of practice issues that had resulted in sending out updates and reminders to staff.

We were pleased with the results of our investigation and with the ministry's willingness to take a second look, which resulted in June's complaint being resolved. In addition, the ministry had identified and responded to a number of practice issues that would prevent this situation from recurring.

Case Summaries – Income and Community Support

Travel confusion

**Ministry of Social Development
Northern B.C.**

Arlene, who lives in northern British Columbia, has a rare medical condition that requires her to see a medical specialist every three months. As there are no specialists for her condition available outside the Lower Mainland, Arlene has to request assistance from the ministry to travel to Vancouver each time. Arlene called our Office because the ministry seemed to make mistakes with her travel arrangements whenever she requested assistance. Arlene said that the stress caused by problems with her transportation arrangements made her medical condition worse.

Arlene told us that she was at her wits end and didn't know what to do about the problem.

We investigated to ensure that the ministry's process was fair and reasonable. We had a series of discussions with the ministry's Manager of Community Relations and Service Quality. The manager agreed to provide more consistent responses to Arlene's medical transportation requests by placing an alert on Arlene's file confirming that she travels regularly for specialist medical appointments. The alert also instructed staff to be sure to confirm the dates, funds, accommodations and other details directly with Arlene and to make the necessary travel arrangements for her in a timely way.

The manager also invited Arlene to meet with the supervisor to talk about her concerns and to explore other ways of resolving them.

Emergency medical coverage

**Ministry of Social Development
Lower Mainland**

Lorne came to us for help after he found out that his methadone treatment would be cut off the next day. Lorne said he had been released from jail in order to attend a drug treatment centre. He had applied for income assistance the week before but had not received benefits. Lorne was concerned that he could not pay for his next methadone maintenance dose because he had no PharmaCare coverage.

We investigated whether there had been unreasonable delay by the Ministry of Social Development to approve Lorne's income assistance claim and provide PharmaCare coverage. We spoke with the ministry the day Lorne made his complaint to our Office. Ministry staff said they were not aware that Lorne's methadone would be cut off due to a lack of medical coverage. Based on this new information, ministry staff agreed to provide Lorne with emergency medical coverage so there would be no interruption in his treatment. Two days later, the ministry determined that Lorne was eligible to receive income assistance benefits.

Case Summaries – Income and Community Support

Stranded by underperforming wheelchair

Ministry of Social Development
Lower Mainland

Oliver's electric wheelchair was not working properly and he had been stranded a few times because it was getting less than a quarter of the mileage for which it was rated. Oliver contacted our Office because the Ministry of Social Development held the warranty on the chair, but declined to help him work with the supplier to address the chair's performance and suitability for his needs. Oliver tried for many weeks to work things out directly with the supplier, but he thought that as his chair was under warranty, this should not be necessary. Oliver was concerned that the ministry refused to assist him.

We contacted the Director of the Health Assistance Branch to investigate the ministry's process in addressing Oliver's concerns. The director confirmed that the contract the ministry had for the wheelchair contained a two-year, all-inclusive manufacturer's warranty. The ministry confirmed that the province owned the chair and therefore the ministry was responsible for managing the warranty. Although we were told that Oliver would likely be accountable for any misuse or excessive wear and tear on the chair, this didn't appear to apply. We consulted further with the ministry and described the steps Oliver had taken to deal with the supplier directly about the suitability and performance issues. As a result, the director agreed to review the supplier's response. Oliver later informed us that a new wheelchair more suitable for his needs was purchased from a different supplier by the ministry, and his concerns had been addressed.

Following protocol to cancel an agreement

Community Living BC
Vancouver Island/Sunshine Coast

Audrey owned and operated a company that held a contract with Community Living BC (CLBC) to provide housing and other services for two women with developmental disabilities. Audrey came to us with a complaint that CLBC had unfairly terminated the contract.

Audrey told us that CLBC had approached her with an urgent request to provide accommodation and services for two women with special housing needs who had to move on very short notice. Audrey signed a service agreement with CLBC on behalf of her company. She then hired staff and purchased and outfitted a home for the two women.

CLBC advised Audrey that they were terminating the agreement a few weeks after the two women moved into the home. Audrey told us that the agreement allowed either the company or CLBC to terminate the contract on 30 days notice. However, the agreement also contained a written protocol that was to be followed to resolve disputes with contractors. Audrey told us that although she had made numerous requests that CLBC follow the protocol, it did not.

We investigated whether CLBC had followed a fair process leading to its decision to terminate the contract. We informed CLBC of procedural fairness concerns relating to its apparent failure to follow the dispute resolution protocol provided in the agreement. CLBC maintained that it was entitled to invoke the 30-day notice clause described in the contract, which we did not dispute.

Case Summaries – Income and Community Support

However, we noted that the agreement deemed the protocol for dispute resolution to be part of the agreement. Under the terms of the agreement, ending the contract did not end CLBC's obligation to follow the protocol.

CLBC maintained that it had followed another dispute process, which was equivalent. We noted that this other process was designed to address complaints made by clients in respect to service providers, not disputes between CLBC and service providers.

The protocol in the agreement included both a three-stage internal process and an external dispute resolution process through either mediation or arbitration. While some discussions had taken place between Audrey and CLBC, our examination of CLBC records showed that the discussions were not the equivalent of the process set out in the protocol.

The protocol in the agreement stated that the internal process could only be omitted by mutual agreement of the parties, and Audrey had not given her consent. As well, no mediation or arbitration had been offered or taken place. Our investigation concluded that as the protocol was not followed, Audrey and her company did not have an opportunity to benefit from the full dispute resolution process.

After extensive consultation with CLBC, it agreed to engage in an arbitration process that was the equivalent of the one in the conflict resolution protocol and pay the direct costs of the process. As a result, we determined that this agreement settled the matter and we concluded our investigation.

A matter of interpretation

**Ministry of Social Development
Vancouver Island/Sunshine Coast**

Harold had a medical condition that required him to attend dialysis appointments several times a week in a different town. He said that the ministry had been paying for gas and a meal allowance for himself and an escort until December 2009, when it had stopped paying for the meal allowance. Harold said that he had not been given a reason for the decision and was not told that he could request reconsideration.

We investigated whether the ministry had followed a fair process in discontinuing the meal allowance. We reviewed the ministry's records and it appeared that the meal allowance had been discontinued on the basis that the dialysis appointments were "simple day trips." It did not appear that the ministry had reviewed any new information but rather was relying on a document it had previously used to approve the meal allowance.

The Acting Manager of Community Relations and Service Quality agreed, based on current information that Harold's dialysis appointments lasted for several hours in the evenings. As Harold did not receive a full meal during the dialysis treatment, he would be eligible for a meal allowance for himself and an escort on an ongoing basis. The ministry backdated the eligibility period to December 2009, and forwarded a cheque for this amount to Harold.

Case Summaries – Income and Community Support

Back to school mix-up

Ministry of Social Development
Interior

Twyla called us in late July after her 17-year-old daughter Jasmine moved back in with her. Twyla received disability assistance and the ministry had added Jasmine to her file. Twyla said she had received the annual school start-up allowance for Jasmine, but had not received the additional assistance that she needed for Jasmine. Twyla said she was told she would not receive this cheque until she provided the ministry with confirmation from Jasmine's school that her daughter was registered for classes in September. Twyla said she had been unable to get this information because the school was closed for the summer.

We looked into why Twyla's cheque had not been issued. A supervisor at the ministry explained that the worker had intended to hold back the school start-up cheque until receiving confirmation of Jasmine's school registration. As this cheque had been released to Twyla and because it was the same amount as the additional assistance cheque, the worker had decided to hold the assistance cheque instead.

Our review of the legislation and policy found that no confirmation of school registration was needed before the ministry could issue the school start-up allowance. Ministry policy did require, however, that a client sign a form confirming which of their children were attending school. The supervisor agreed to issue Twyla the cheque if she would sign the form confirming Jasmine's school registration. Twyla signed the form and was able to pick up her cheque that afternoon. Twyla thanked us for our assistance.

Fleeing woman gets help from ministry

Ministry of Social Development
Lower Mainland

Bonnie applied for income assistance after she and her young daughter fled an abusive relationship. She came to us after her application was denied on the grounds that her car was worth more than the Ministry of Social Development's asset limits allowed. Bonnie complained that ministry staff had not reviewed evidence she provided from the car dealership, which showed that because the car had been in an accident, its actual value was less than the book amount the ministry was relying on. Bonnie was also concerned because she had just been told by a worker and an assistant supervisor that her request had not yet been sent to the Reconsideration Branch, 12 days after she had formally asked the ministry to reconsider its denial decision.

Bonnie also told us that she had asked for a food voucher to help feed her child while she waited for the decision of the Reconsideration Branch. She was upset when she was told that because she didn't qualify for regular benefits she wasn't entitled to any hardship assistance, including a food voucher.

We immediately contacted the ministry's district supervisor and spoke to her about Bonnie's situation. When the district supervisor reviewed Bonnie's file she found that both the worker and the assistant supervisor were wrong, as the reconsideration request had in fact been submitted. The district supervisor explained that she had not been aware of the additional evidence from the dealership or she would have reviewed the denial decision in light of the new evidence before forwarding Bonnie's request for reconsideration. The district supervisor also noted that Bonnie was entitled to hardship benefits because her

Case Summaries – Income and Community Support

ineligibility for regular benefits had been based on the value of her assets and not her income. As a result, the district supervisor contacted Bonnie immediately to explain and apologize for the ministry's errors and to offer her hardship assistance. The next day Bonnie was told that the reconsideration had been decided in her favour and she received a benefit cheque that same day.

This resolved the situation to Bonnie's and our satisfaction and we closed the file.

Assistance provided for laid-off worker

Ministry of Social Development

Lower Mainland

Erik, a truck driver, had his driver's licence suspended for 90 days because he had too many demerit points. Erik said this suspension was completely unexpected and meant he was not able to work for three months. Erik said he could normally do other work for his employer that did not require driving, but there was currently a shortage of other work. Erik's temporary unemployment had left him without money for rent or food. Given his situation, Erik had applied for income assistance until he could return to work. However, the ministry told Erik he was not eligible because he had lost his licence due to his own actions, so he fell within the sections of the legislation that state a person is ineligible for assistance if they have been fired or quit. Erik said he had only been laid off while his licence was suspended. Erik said his employer had written a letter confirming that he was laid off and was welcome to come back to work after the suspension was over.

We investigated whether Erik had been given adequate reasons for the decision that he was not eligible for assistance based on the circumstances of his unemployment. As a result of our investigation, the ministry reviewed Erik's circumstances and determined that he was only laid off from work and was therefore eligible for assistance. Erik was able to pick up an assistance cheque the following day. He was very happy with this outcome. We considered the complaint to be settled and closed our file.

Case Summaries – Local Government

District extends timeframe for consolidating lots

Regional District of Kitimat-Stikine

Gerard complained that the Regional District of Kitimat-Stikine had acted unfairly in how they imposed the South Hazelton Parcel Tax, which was being used to help fund a major water system upgrade.

Gerard was frustrated because the tax was being imposed by parcel rather than by water user customer. He owned several parcels of land and would have to pay the new tax on each lot even though he only had one residence. The Regional District told Gerard that a consolidation of his lots would reduce the amount of parcel tax he would have to pay. He was given two weeks notice of the consolidation deadline, but a notary informed him that the process to consolidate the properties would take 90 days, which was not enough time to meet the deadline.

When we investigated, we were satisfied that a parcel tax is a standard cost recovery method for this type of service. The Regional District acted under the Community Charter, which permits a Council, by bylaw, to impose a parcel tax to provide all or part of the funding for a service. It requires the parcel tax to be imposed on all parcels within the municipality. Under the Community Charter, the tax is imposed on parcels that have the opportunity to be provided with the service, whether or not they are in fact being provided with the service. All of Gerard's lots had the opportunity to be hooked up to the system.

In response to our investigation, the Regional District wrote to Gerard stating that for those residents who were unable to meet the earlier deadline, but who could provide proof of lot consolidation in the following year, the Regional District would issue the appropriate parcel tax refund.

As the Regional District was willing to extend the deadline for lot consolidation, we believed that this was an appropriate settlement and closed our file.

Investigation leads to new policy and payment for applicant

City of Surrey

Fred was disappointed when the City rejected his application to subdivide his property. He also disagreed with the reasons for the City's decision. Several months later Fred reviewed the *Land Title Act* and discovered he had a right to appeal this decision to the BC Supreme Court. The problem was that he needed to appeal the decision within 30 days and it had been well over 30 days since the City had rejected his application. Fred contacted our Office because he thought it was unfair that the City hadn't informed him of this opportunity in the letter it wrote to inform him of its rejection of his application.

In the City's letter informing Fred that his application had been rejected, the City was also not very clear about why the application had been rejected. The *Land Title Act* requires that an applicant be given brief reasons in writing why his/her application is rejected. The City's letter to Fred referred to two parts of the Act. One part says that a subdivision application can be refused if it is "against the public interest." The other part says that a subdivision application can be rejected if development of the subdivision will "injuriously affect the established amenities" of neighbouring properties. The letter, however, did not explain how Fred's plan was against the public interest or how developing the proposed subdivision would negatively affect his neighbour's properties.

Case Summaries – Local Government

During the course of our investigation, the City acknowledged that it had not listed the reasons Fred's application was rejected but pointed out that its staff had met with Fred many times and had discussed the issues with his application each time. When we talked with Fred, he told us that he knew the City had a number of issues with his application but he didn't know which of them had led to the decision to reject his application. He planned to re-apply to subdivide, so it was important for him to know what he needed to do to improve the chances of having his application accepted.

We discussed with the City the fact that Fred had not been told of his right to appeal and explored whether the City could issue another decision with clearer reasons and whether this might trigger another appeal opportunity. However, the City could not do this.

Fred had paid over \$1,500 to make his subdivision application and so we proposed that the City should make a payment to Fred equal to this amount given the problems with the process and his inability to now appeal the decision. The City decided to pay Fred the amount he had paid to make his subdivision application.

When we spoke with the City, we suggested that it would be fair if the City informed people of their appeal rights when informing them that their subdivision application was rejected. We were pleased when the City told us it would start this practice, by putting a reference to the appeal opportunity in the template letter for rejecting subdivision applications.

In addition to settling this issue for Fred, we discussed the importance of having a policy to prevent another person going through what he had experienced. The City informed us that its Council approved a policy that stated when a subdivision application is rejected the applicant will be given brief reasons for this decision in writing and that when the "public interest" has been identified as a basis for the decision, the applicant will be given an explanation of why it was not in the public interest to approve the proposed subdivision. The policy also confirmed that when a subdivision application has been rejected, the letter informing the applicant of this decision will outline the applicant's opportunity to appeal the decision.

Righting a wrong...it's never too late

City of Prince George

Lyle came to us for help with a problem he had been trying to fix since the 1970s. He explained to us how the City of Prince George had expropriated his property more than 30 years ago, and because it had not been able to find him, paid the money it owed him to the courts instead, but under an incorrect name. As a result, Lyle had never been able to access the money. He didn't think the City had done enough to find him 30 years ago and was frustrated that despite repeated attempts, he had been unable to get his money.

Lyle described himself as a simple man who lived without modern conveniences such as a telephone, television or computer access. He complained to us by letter and we arranged to call him through his local MLA. When we first spoke with him, we explained the challenges of investigating an event that happened more than 30 years ago. Lyle, however, was able to give us documents and information that he had collected over the years, including copies of the original expropriation transaction. This provided us with the information we needed to begin investigating his complaint.

Case Summaries – Local Government

When we first contacted the City, staff told us that due to the length of time that had passed, they no longer had any records of the expropriation. They said the City had taken all appropriate steps to find Lyle and that staff would have followed the advice of the City's legal counsel at the time. But as they had no records, they could not see how they could resolve the issue.

We explained to City staff that Lyle had supplied us with many documents about the expropriation and the City's attempts to find him. Lyle's documents included proof that he had continued to pay the tax bills that the City mailed to him at his Vancouver address for two years after the expropriation. We provided City staff with copies of these documents and asked if they would be willing to try to resolve the issue. After reviewing the documents and seeking legal advice, the City sought and obtained a court order that allowed it to pay Lyle the money he was owed, which is what he had asked for all along.

The right to raise concerns

City of Campbell River

Fern was an elderly woman being driven to distraction by the activities of her neighbour. She told us she had complained repeatedly to the local government about her neighbour skinning animals in his back yard and leaving dead animals and animal parts lying around. She said that the smells and view from her property were intolerable and that the local government would not do anything.

In investigating Fern's complaint we looked at the local government's policy regarding complaints and bylaw enforcement. We confirmed that there was a nuisance bylaw to deal with unsightly properties and that the local government had several ways to enforce the bylaw. We learned that Fern had complained several times about her neighbour and that her complaints were documented and investigated by bylaw enforcement officers. The neighbour was fined once under the nuisance bylaw but most of the investigations since had shown that the neighbour was not breaking the bylaw. Of the complaints that were found to be in violation, the bylaw enforcement officers were able to gain the neighbour's cooperation in fixing the problem. The local government met with Fern to talk to her about her continuing concerns and the bylaw requirements and to explain why no action would be taken if the person's actions were not breaking the bylaw. The neighbour's property was inspected again and determined to be in compliance at that time.

In reviewing the records we learned that the local government had written to Fern to tell her that no further complaints about the neighbour's property would be investigated. When we spoke to a senior official about the letter he explained that it had been written because several of the complaints about her neighbour's property turned out to be unfounded. The local government was concerned that the complaints were taking up scarce resources unnecessarily, and the neighbour was complaining of being harassed by staff. The official explained that the local government had to balance the needs of all residents, including the neighbour's need to be free from excessive visits by enforcement officers. He told us that the intent of the letter was to reduce unnecessary complaints but that it had gone further than intended. The official agreed to write another letter to Fern reassuring her that she had the right to make complaints about activities she believed to be in violation of the City's bylaws.

The letter confirmed Fern's right to make complaints about alleged bylaw infractions and also explained the local government's duty to be responsive to the needs of all residents. While it would have been preferable if the initial letter had not denied Fern the right to complain, the action was corrected by writing the second letter to her and inviting Fern to call if she was unsure whether an activity was allowed under the current bylaw.

Case Summaries – Seniors

Can SOMEONE please explain?

PharmaCare Lower Mainland

An elderly gentleman contacted our Office with a complaint about his PharmaCare. Gerald explained that his pharmacist had given him the bad news that his deductible for prescription drugs had increased from \$200 to \$250 effective January 1, 2009. Gerald said this was a problem as he had been on a fixed income for years and there was no reason that this should have happened. Gerald was very frustrated because no one at PharmaCare could explain why this had happened to him.

We contacted a director at PharmaCare. It turns out that Gerald's deductible (the amount he had to pay for prescriptions before PharmaCare contributed anything) had not changed and was still set at zero. However, Gerald's family maximum (the amount that he had to pay for prescriptions before PharmaCare contributed more than 80% of eligible expenses) had increased from \$200 to \$250. The director explained that a slight increase in Gerald's pension had placed him into a higher income band, which resulted in the higher family maximum.

As PharmaCare calculations can be confusing, the director offered to write to Gerald to explain how the deductible and family maximum were determined for him. When we later spoke to Gerald he told us how much he appreciated the director's letter as it helped him understand how PharmaCare made decisions about his account, and how he could get information about it in the future.

Exceptions to the rule

Office of the Superintendent of Motor Vehicles Vancouver Island/Sunshine Coast

Mr. Mason took a DriveABLE in-office assessment but he did not pass it. As a result, the Office of the Superintendent of Motor Vehicles (OSMV) revoked his driver's licence. Mr. Mason later took driving lessons and was told that his driving was fine.

Mr. Mason told us that he had a learning disability that could be affecting his ability to pass the DriveABLE assessment. He was concerned, however, that medical evidence to support his cognitive impairment might be lacking.

We investigated whether the OSMV had undertaken a fair process around its decision to revoke Mr. Mason's driver's licence. We contacted the OSMV to discuss the issue of whether a learning disability might impact DriveABLE results. The OSMV indicated that there was no diagnosis of a learning disability on Mr. Mason's file, however, the OSMV was willing to consider medical evidence if it was submitted. We discussed with Mr. Mason the possibility of him obtaining medical evidence of his cognitive impairment and learning disability.

Case Summaries – Seniors

Later, Mr. Mason submitted medical evidence to the OSMV. His doctor reported that Mr. Mason had been assessed by a geriatrician and that the results of his DriveABLE assessment may not have accurately reflected the status of his cognitive ability. The doctor believed that Mr. Mason's learning disability may have skewed the results.

After reviewing the medical evidence, the OSMV provided a new decision letter which said that, in order to resolve the discrepancy between the DriveABLE in-office assessment and the medical evidence, the OSMV was willing to let Mr. Mason take a DriveABLE on-road assessment.

It appeared that in this case, perhaps due to a learning disability, the DriveABLE in-office assessment may not have accurately measured Mr. Mason's cognitive abilities. Once Mr. Mason submitted medical evidence in support of his view, the OSMV considered the information and provided him with an opportunity to take a DriveABLE on-road assessment. We closed the file as this was a reasonable resolution in this case.

Daughter's concerns about her father's pharmacy services resolved

Vancouver Island Health Authority

Debra complained that the Vancouver Island Health Authority (VIHA) was making her father and other seniors in the residential care facility he lived in purchase their medications through a particular pharmacy. She was also concerned that the pharmacy in question charged higher dispensing fees than others, made ongoing mistakes in its billings to her father and did not provide her with the receipts she needed to file reports on her father's behalf.

We investigated whether VIHA was being fair in its handling of pharmacy services at the facility. We found out that under rules set by the BC College of Pharmacists, a pharmacist can only provide services to a resident of a residential care facility if the pharmacist has been appointed to do so by the facility's operator, which in this case was VIHA. This was why residents had to purchase their medication through the designated pharmacy. We also looked into whether the pharmacy charged higher dispensing fees than others in the area. We determined this was not the case and Debra agreed, noting that other local pharmacies had increased their fees since she had first complained.

This still left Debra's complaints about billing issues to resolve. We reviewed invoices that showed that the Department of Veterans Affairs (DVA) had previously paid the entire cost of one of her father's prescriptions. Now, however, the pharmacy was billing the DVA for only part of the cost and Debra's father for the rest. The DVA confirmed that Debra's father was still eligible for full coverage.

The pharmacy agreed to credit Debra's father for the part of the prescriptions he had paid in error and to bill the DVA the full amount in future.

Both the pharmacy and the Director of Pharmacy Services at VIHA followed up directly with Debra to explain and apologize for their errors. They also confirmed that she would be provided with an official receipt for her father's account every month. Debra received a cheque for \$250, which reflected the amount her father had paid for his prescription in error.

Case Summaries – Seniors

No more waiver worry

Interior Health Authority

Linda's mother lived in a supportive housing facility and over time had come to need more and more help with daily tasks. Staff from the Interior Health Authority (IHA) told Linda they thought her mother should have help with taking her medications but Linda had been concerned about how much this would cost. IHA staff told her that her mother could apply for a waiver, which if approved, would mean that IHA would cover these costs. Staff assured Linda that her mother would be eligible for this coverage. Linda prepared the waiver application and meanwhile, IHA staff began helping her mother take her medications.

Linda started to worry when she received invoices for the medication services, but IHA staff assured her she just needed to wait for the application to go through. The invoices kept coming and the amount due continued to grow. When she didn't hear anything, Linda submitted the paperwork a second and third time. IHA would not confirm the waiver was approved and by the time she called us, Linda was getting collection calls. The bill had grown to more than \$5,000 – much more than Linda's mother could afford on her limited income.

When Linda called us about her mother's situation we began an investigation. We contacted a manager at IHA. He confirmed that IHA staff had assured Linda that the application would be approved, but when the paperwork was processed it turned out that her mother's expenses were not considered large enough to justify the waiver. The manager said that he wanted to remedy the problem and asked for some time to figure out how to do this.

The manager found a solution. He explained that IHA had recently reviewed and revised its interpretation of a ministry guideline on how to deal with expenses when determining eligibility for a waiver. IHA applied this new interpretation method to Linda's mother's situation retroactively, which resulted in the cancellation of almost the entire debt. It decided to write off the small amount of debt that remained. The manager said that the new way of calculating eligibility meant that medication services for Linda's mother would also be covered in the future. The new method would also make it easier for others to qualify for a waiver.

Linda was happy with how things had worked out. By the time the issue was resolved the bill had reached approximately \$6,500, which was reduced to zero and she no longer had to worry whether her mother's medications were administered safely. She thanked us for our help.

Case Summaries – Work and Business

Form letter leads to confusion

Labour Relations Board
Lower Mainland

Mario contacted us about the Labour Relations Board's decision to dismiss his complaint that his union had failed to represent him fairly. He had a letter from the Board informing him that his complaint had been reviewed by a panel of the Board under section 13 of the *Labour Relations Code*. The letter stated that the panel had "determined that the complaint discloses a case that a contravention of section 12 of the Code [the provision imposing a duty of fair representation on trade unions] may have occurred." The letter invited the other parties to the complaint to make submissions. Mario received the submission from his union and also submitted a response. The Board dismissed Mario's complaint because it did not meet the threshold requirement under section 13 – a requirement that the panel "considers that the complaint discloses a case that the contravention has apparently occurred." Mario complained that this explanation contradicted the previous letter he had received.

We investigated whether the Board had provided adequate and appropriate reasons for its decision to dismiss Mario's complaint.

The Board acknowledged that the first letter sent to Mario, which the Board told us was a form letter, was clearly not consistent with the reasons for dismissing the complaint. However, we noted that the decision dismissing the complaint set out an alternative reason for the dismissal. The reasons appeared to demonstrate a thorough consideration of the information and evidence submitted by the parties. The conclusion reached was supported by and rationally connected to the evidence. The decision appeared to be reasonable in the circumstances and consistent with the *Labour Relations Code*. As a result, we were satisfied that the outcome of Mario's complaint was not affected by any inconsistency between the two letters he received.

The Labour Relations Board agreed to review their form letters and to direct panels to review and consider modifications to form letters where appropriate. We agreed that these steps appeared likely to address the cause of any confusion that Mario may have experienced and to prevent similar situations from arising in the future.

Waste wood

Ministry of Forests, Lands and Natural Resource Operations
Northern B.C.

Phil told us that his business was negatively affected by a ministry delay in conducting a waste wood assessment. Phil's business had two timber sale licences in 2006. Phil had finished logging and had to wait for the ministry to assess the waste wood left on the ground before he could get back his security deposit. Phil was ready to have the waste wood assessment done in the fall of 2006, but the ministry did not assess it until the fall of 2007. Phil's security deposit, which he needed for his business, was tied up for an extra year.

Case Summaries – Work and Business

We looked into whether there had been unreasonable delay on the part of the ministry in assessing the waste wood on Phil's timber sale licences. The process of contracting waste assessments appeared to be delayed (in this District) in 2006. The waste wood on Phil's two cut blocks could not be assessed after snowfall brought an end to assessments in that year.

The ministry said that the leftover cut blocks were carried forward into 2007 as a priority. Field work on Phil's licences was done by the summer, but then there were further delays in completing the assessments.

After discussion with our Office, although not its general practice, in this case the ministry agreed to pay interest for the one-year period in which it held the security deposit longer than usual. We considered that payment of interest for the period of delay in the waste wood assessment to be a reasonable outcome in this case.

Correcting acknowledged errors

WorkSafeBC

We received several individual complaints about the apparent inability of the Workers' Compensation Board (WorkSafeBC) to correct its own errors after a 75-day reconsideration period was over. Although the individual complaints to our Office were eventually resolved, our continued concern about WorkSafeBC's processes prompted our Office to initiate its own investigation into this area.

Generally, if WorkSafeBC makes a decision on a claim file, WorkSafeBC has a 75-day period to reconsider the decision. At the same time, the worker or employer has a 90-day time limit to appeal the decision to the Review Division. What happens, however, if a WorkSafeBC decision is incorrect, but the error is not clear to anyone until after 90 days? Under these circumstances, it seemed that WorkSafeBC was unable to correct its own error after the 75-day reconsideration period was over. If the worker/employer didn't appeal the decision to the Review Division within the 90-day time limit (because he/she didn't know the decision was incorrect) then there seemed to be no remedy to correct the error.

We asked WorkSafeBC to explore how an acknowledged error on the part of WorkSafeBC could be corrected. WorkSafeBC had previously suggested that an application for an extension of time to appeal to the Review Division might be an adequate remedy for acknowledged WorkSafeBC errors. However, that remedy did not allow WorkSafeBC to fix errors on its own initiative. There was also no guarantee that the extension of time application would be successful.

In order for an extension of time application to be successful, the Review Division had to first be satisfied that "special circumstances" existed that would preclude the filing of the request for review within the 90-day time period. The question of whether an acknowledged WorkSafeBC error constituted "special circumstances" was not previously contemplated by the *Review Division Practices and Procedures*.

As an interim solution, we asked WorkSafeBC if it would be willing to consider expanding its definition of "special circumstances" under the *Review Division Practices and Procedures* to include an acknowledged WorkSafeBC error.

Case Summaries – Work and Business

In response to our investigation, as of June 21, 2010, WorkSafeBC implemented procedural changes that allowed the Review Division to accept an acknowledged substantive error as grounds for granting an extension of time to request a review. In this amendment, “error” refers to a situation where the applicant is not simply disagreeing with the decision-maker’s exercise of judgment or weighing of evidence, but rather where the decision is not within the range of possible decisions allowed by the law, policy or the facts.

In addition to this interim solution, WorkSafeBC told us that it had discussed our broader concern about the apparent unfairness of the 75-day limitation that was established in the legislation and it was willing to explore a legislative resolution. We continue to monitor the success of the revised *Review Division Practices and Procedures* and to support legislative change. We appreciate WorkSafeBC’s willingness to pursue change in this area.

Case Summaries – Other

A waiting game

Gaming Policy and Enforcement Division, Ministry of Public Safety and Solicitor General
Vancouver Island/Sunshine Coast

Terry called us because he felt he wasn't getting anywhere with the Ministry of Public Safety and Solicitor General, Gaming Policy and Enforcement Division (GPED). Terry told us that the GPED froze the bank account of his service club after it learned that one of the members had stolen from the club. Terry said that the theft had been investigated and resolved more than a year earlier but that the GPED would not release the bank account. Terry had written to the GPED but no one had responded. The service club members were frustrated as they could not access the almost \$5,000 in their account.

As part of our investigation, we spoke with a senior administrator of the GPED. She was surprised to hear that the service club was having problems as she believed that the bank account had already been released. The administrator apologized for the delay and offered to contact Terry to discuss his concerns.

After speaking with Terry, the GPED administrator gave him a copy of a letter that the GPED sent to the bank with instructions to release the funds. Terry took the letter to the bank, which then released the frozen account.

Vital Statistics Agency helps identity theft victim

Vital Statistics Agency, Ministry of Health
Vancouver Island/Sunshine Coast

Steve requested a new birth certificate from his home province of Ontario in order to get a passport. He learned from the Ontario authorities that his name had been legally changed in British Columbia 20 years earlier. Steve had not lived in B.C. at that time and was unaware of the name change. He explained the situation to the B.C. Vital Statistics Agency as he wanted to have his birth name restored.

The Agency advised Steve that he would now have to apply for a legal change of name. He complained that having to undergo a criminal record check and pay fees for a name change was unfair when the original name change was fraudulent.

We investigated to ensure that the Agency had treated Steve fairly. We contacted the Agency and reviewed the current *Name Act* as well as the version of the Act that applied at the time of the name change. We agreed that the Agency did not have any authority to reverse the original name change other than through a further legal name change. The criminal record check was an express requirement under the *Name Act* and there did not appear to be any authority to waive it. As a result, our investigation focused on the fairness of requiring Steve to pay a fee to correct a fraudulent name change.

The Agency was satisfied that Steve was who he claimed to be and that he did not make the original name change application. As a result, the Agency offered to waive the legal name change application fee, but told us that the fingerprinting and criminal record check fees were not their fees to waive.

Case Summaries – Other

We reviewed copies of the records and forms related to the original name change process to see if there had been any error on the part of the Agency in accepting the application. A number of inconsistencies in that application caused us to question whether the application met the formal requirements of the *Name Act* as it read at the time, and whether the application should have been rejected as a result. We discussed those concerns with the Agency, who agreed as a result to compensate Steve for the additional fees required for him to change his name.

The wrong fit

North Fraser Pretrial Centre Lower Mainland

Tom called us from the segregation unit at the North Fraser Pretrial Centre (NFPC). He said that he was not being provided with clothing that fit. Even though segregation had regular laundry delivery, Tom said that the clean clothing was not big enough to fit him. As a result, he either had to wear dirty clothing for a long time or to wear clothing that was too small.

We spoke to NFPC staff to find out the laundry situation in segregation. Since Tom said he made a complaint to the Investigation and Standards Office (ISO), we called them to find out the outcome of their investigation. ISO staff told us that they had not investigated Tom's complaint because Tom had not previously made an official complaint to the NFPC.

As a result of our investigation, the ISO contacted the NFPC to find out whether they were addressing Tom's concerns.

We determined that the NFPC had revised its laundry practices and had identified a better method of providing proper sizing to inmates residing in segregation so that Tom and others should receive clean clothing in appropriate sizes in the future.

Review rights on certificates of inspection

BC Safety Authority Northern B.C.

Bob called us after he discovered that he was out of time to appeal a Certificate of Inspection (Col) that he disagreed with. Bob said that he had been hired to install gas fittings on a meter. A few months later, a safety officer with the BC Safety Authority (BCSA) gave him a Col. Bob felt there was nothing wrong with his work. Bob said he verbally disputed the issue with the safety officer, but the dispute was not resolved. Bob pointed out that the Col form didn't show any information about his appeal rights. Bob said that by the time he started researching appeal options, he was out of time.

We investigated whether the BCSA followed a fair process and, in particular, whether the BCSA provided Bob with reasonable notice of his appeal remedies at the time he was issued a Col. We looked at the legislation and discovered that Cols are issued under the *Safety Standards Act Regulations*. These *Regulations* did not specifically state that appeal or review rights must appear on a Col form. This was different from

Case Summaries – Other

other kinds of compliance orders under the *Safety Standards Act* where appeal rights were specifically outlined on the orders. We couldn't find a reason in the legislation why BCSA should not provide appeal process information to recipients of CoIs.

As a result of our investigation, BCSA staff told us that they would notify clients of the availability of a Safety Manager Review on the CoI form. Furthermore, the BCSA offered Bob the option of a Safety Manager Review on the CoI he was disputing, which was the opportunity he was looking for.

Pursuing change in collection procedures

Revenue Services BC, Ministry of Finance
Interior

Walter, a retired businessman, complained to our Office about Revenue Services of BC (RSBC), the contractor that provides debt collection services to the Ministry of Finance. RSBC was attempting to collect a debt that it believed Walter's son owed. Walter told us that he holds Power of Attorney (POA) for his son who has a mental health condition. He said that he advised RSBC of the health condition and asked that it cease collection actions until he had time to submit the POA so he could discuss the situation with RSBC. He said RSBC continued to call his son, which resulted in his son's health condition deteriorating.

Our Office investigated whether RSBC had used a reasonable procedure in its collection process. We reviewed RSBC's collection file regarding Walter's son, and considered its practices and procedures. We also asked the ministry specific questions about how RSBC dealt with situations where people held POAs or where people were not mentally or physically able to represent themselves.

We asked the ministry to explain the actions taken by RSBC and raised our concerns about whether RSBC needed to reconsider its procedures. The ministry told us that RSBC had followed ministry policies, and that there was no mention in the file of the son's health condition and his potential to harm himself when he was under stress.

We also asked about the lack of documentation we found in the collection file. After further consideration, the ministry instructed RSBC to cease collection action in circumstances such as Walter's to allow time for a person to submit the required documentation to allow them to speak with RSBC on behalf of another party. The ministry also advised RSBC that it was necessary to add accurate and factual notes to the account file. In addition, the ministry wrote an apology letter to Walter.

When we contacted Walter to advise him of the outcome, he was relieved to hear of the changes. His intent in contacting our Office was to ensure that others in similar situations would not have the same experience. He thanked us for our persistence in pursing this matter with the ministry.

Case Summaries – Other

Improvements within a system

Ministry of Public Safety and Solicitor General Lower Mainland

Su-Lin had been the victim of a serious crime and was registered with the Victim Safety Unit of the Ministry of Public Safety and Solicitor General. She complained to our Office that the Victim Safety Unit process was unfair because it had not notified her of relevant court dates and outcomes regarding the sentencing of the perpetrator. Su-Lin said she contacted the ministry about inconsistent notification but the ministry had not addressed the issues.

Our Office notified the ministry that we had commenced an investigation into whether it had used a fair procedure in addressing Su-Lin's concerns. We obtained information from the ministry about its notification process, considered the relevant legislation, and spoke with ministry staff about Su-Lin's experiences. The ministry acknowledged that there were a number of factors that contributed to the inconsistency in notification that Su-Lin had experienced.

We consulted with ministry staff about possible improvements to the process. The ministry undertook a review of the current practices in the notification process, and a review of the limitations of the two applicable computer systems that were not currently linked. The ministry advised us that its ultimate goal is to be able to link the two systems. In the interim and as a result of the review, the ministry engaged staff in training to ensure that consistent messages are given to the person who is required to be notified. The ministry now encourages registrants to connect with a victim service worker as these workers can request that Crown Counsel provide any updates or details in change of court appearances or other conditions that may affect the registrant.

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Statistics

Statistical Overview of Work and Performance

The following pages set out in detail a statistical evaluation of our Office's work and performance between April 1, 2010 and March 31, 2011.¹ This page provides a brief summary of the detailed data that follows.

In fiscal year 2010/2011 our Office dealt with 7,530 enquiries, requests for assistance and complaints. The majority of contact with our Office was by phone (6,116), followed by letters (673) and web-based complaint forms (632).

The services of the Office continue to be more actively used by British Columbians outside of the Lower Mainland (41 per cent of the population and 55 per cent of files opened) than British Columbians living in the Lower Mainland (59 per cent of the population and 41 per cent of files opened). The remaining four per cent of files relate to people who did not provide a specific address or who were from outside the province.

Fifty-six per cent of the files we opened in 2010/2011 involved complaints about provincial government ministries; 25 per cent involved complaints about provincial commissions, boards and corporations; seven per cent involved complaints about local government authorities; and six per cent involved complaints about health authorities. The majority of the remaining six per cent of files we opened in 2010/2011 involved complaints about self-regulating professions and educational institutions. The Ministry of Social Development, Ministry of Children and Family Development, Ministry of Public Safety and Solicitor General, ICBC and WorkSafeBC were our five most significant authorities in 2010/2011.

Our Early Resolution Program continues to be a successful initiative. It has redirected 300 files that would have previously been sent to investigation into a process that addresses and resolves problems within ten working days. A total of 1,677 individual investigative files were assigned to Ombudsperson Officers in 2010/2011 and they closed 1,739 files.²

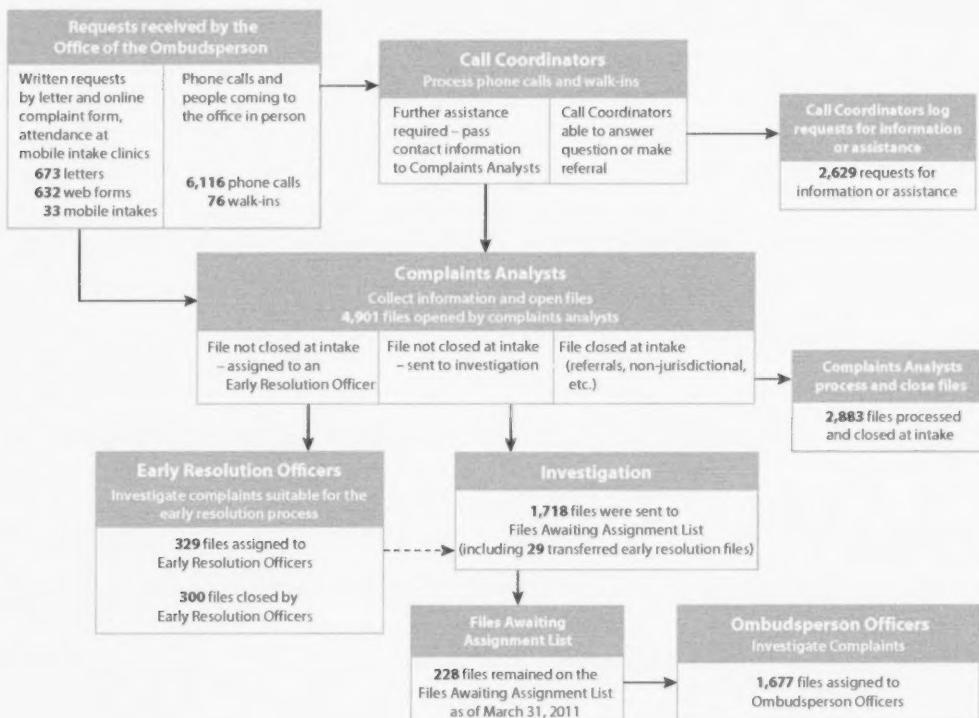
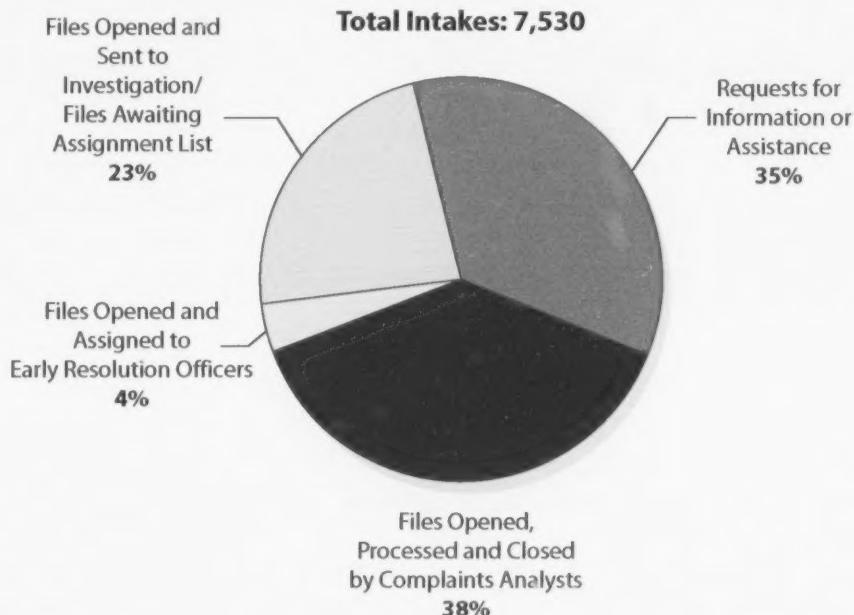
Files awaiting assignment continue to be reviewed regularly and assigned as quickly as possible to an Ombudsperson Officer for action. On March 31, 2011 there were 228 open files on the list awaiting assignment.

¹ This information should be read in conjunction with our Act, strategic plan, budget, and the rest of this annual report. Together these documents set out our Office's mandate, plan, resources and results. All of them are available on our website at www.bcombudsperson.ca.

² Closed files include files from previous years.

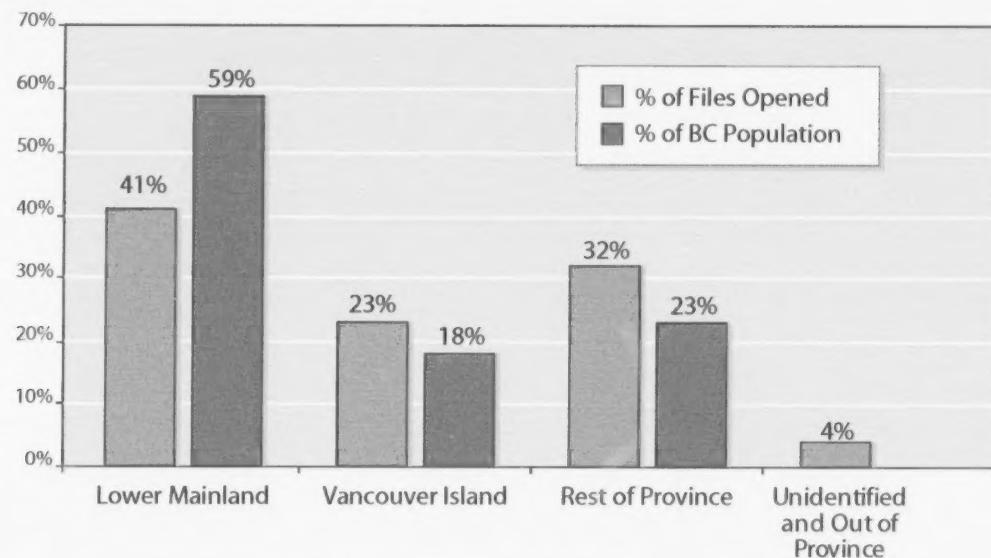
Statistics

How We Handled Intakes in 2010/11



Statistics

Geographical Distribution of Files vs. Population (for Jurisdictional Files Opened in 2010/11)



Breakdown of Files by Region

	Jurisdictional Files
	Opened*
Lower Mainland	1,858
Vancouver Island	1,027
Rest of Province	1,432
Unidentified	25
Out of Province	142
Totals	4,484

* These numbers do not include the 2,629 requests for information or assistance that were received or the 417 non-jurisdictional files.

Statistics

Files Opened by Electoral District, 2010/11*

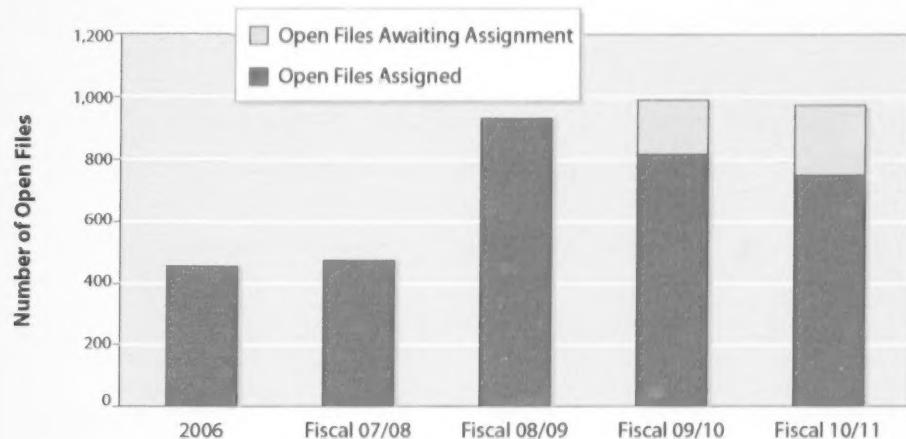
#	Electoral District	Files Opened
1	Abbotsford-Mission	53
2	Abbotsford-South	67
3	Abbotsford West	28
4	Alberni-Pacific Rim	73
5	Boundary-Similkameen	55
6	Burnaby-Deer Lake	30
7	Burnaby-Edmonds	49
8	Burnaby-Lougheed	18
9	Burnaby North	18
10	Cariboo-Chilcotin	22
11	Cariboo North	40
12	Chilliwack	51
13	Chilliwack-Hope	69
14	Columbia River-Revelstoke	52
15	Comox Valley	81
16	Coquitlam-Burke Mountain	17
17	Coquitlam-Maillardville	81
18	Cowichan Valley	73
19	Delta North	34
20	Delta South	14
21	Esquimalt-Royal Roads	65
22	Fort Langley-Aldergrove	36
23	Fraser-Nicola	61
24	Juan de Fuca	56
25	Kamloops-North Thompson	76
26	Kamloops-South Thompson	85
27	Kelowna-Lake Country	58
28	Kelowna-Mission	61
29	Kootenay East	40
30	Kootenay West	68
31	Langley	43
32	Maple Ridge-Mission	70
33	Maple Ridge-Pitt Meadows	50
34	Nanaimo	62
35	Nanaimo-North Cowichan	60
36	Nechako Lakes	34
37	Nelson-Creston	48
38	New Westminster	61
39	North Coast	31
40	North Island	102
41	North Vancouver-Lonsdale	27
42	North Vancouver-Seymour	16
43	Oak Bay-Gordon Head	27

#	Electoral District	Files Opened
44	Parksville-Qualicum	42
45	Peace River North	27
46	Peace River South	21
47	Penticton	53
48	Port Coquitlam	64
49	Port Moody-Coquitlam	14
50	Powell River-Sunshine Coast	58
51	Prince George-Mackenzie	46
52	Prince George-Valemount	93
53	Richmond Centre	19
54	Richmond East	12
55	Richmond-Steveston	27
56	Saanich North and the Islands	60
57	Saanich South	41
58	Shuswap	65
59	Skeena	47
60	Stikine	27
61	Surrey-Cloverdale	29
62	Surrey-Fleetwood	20
63	Surrey-Green Timbers	26
64	Surrey-Newton	37
65	Surrey-Panorama	39
66	Surrey-Tynehead	34
67	Surrey-Whalley	63
68	Surrey-White Rock	32
69	Vancouver-Fairview	57
70	Vancouver-False Creek	47
71	Vancouver-Fraserview	17
72	Vancouver-Hastings	33
73	Vancouver-Kensington	16
74	Vancouver-Kingsway	19
75	Vancouver-Langara	31
76	Vancouver-Mount Pleasant	49
77	Vancouver-Point Grey	25
78	Vancouver-Quilchena	13
79	Vancouver-West End	19
80	Vernon-Monashee	65
81	Victoria-Beacon Hill	131
82	Victoria-Swan Lake	74
83	West Vancouver-Capilano	21
84	West Vancouver-Sea to Sky	46
85	Westside-Kelowna	72
	Total	3,893

* These numbers do not include requests for information or assistance (2,629), files involving people who live outside the province (168), or files for which we could not obtain a postal code (840).

Statistics

Open Files at the End of the Year

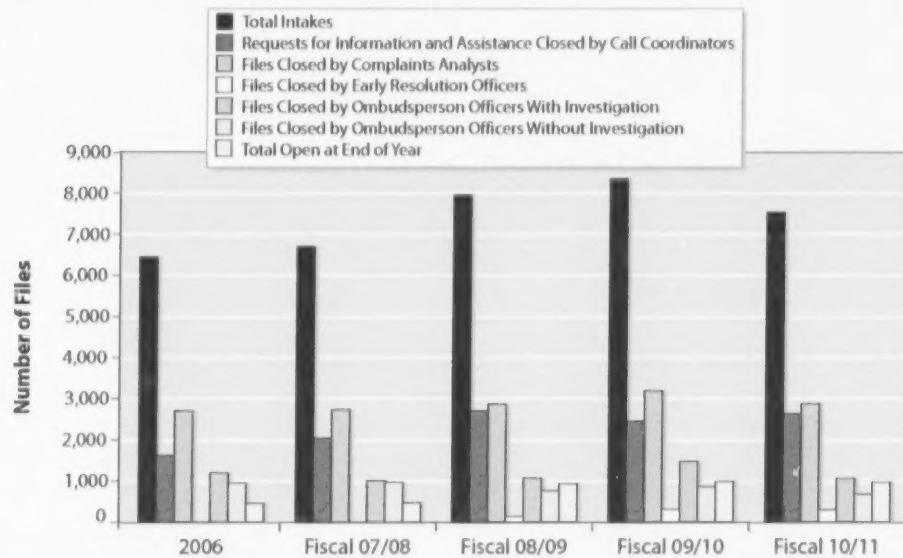


Number of Open Files at the End of Each Year

	2006	Fiscal 07/08	Fiscal 08/09	Fiscal 09/10	Fiscal 10/11
Open Files Assigned	452	471	932	816	748
Open Files Awaiting Assignment	0	0	0	176	228
	452	471	932	992	976

Statistics

Office Caseload

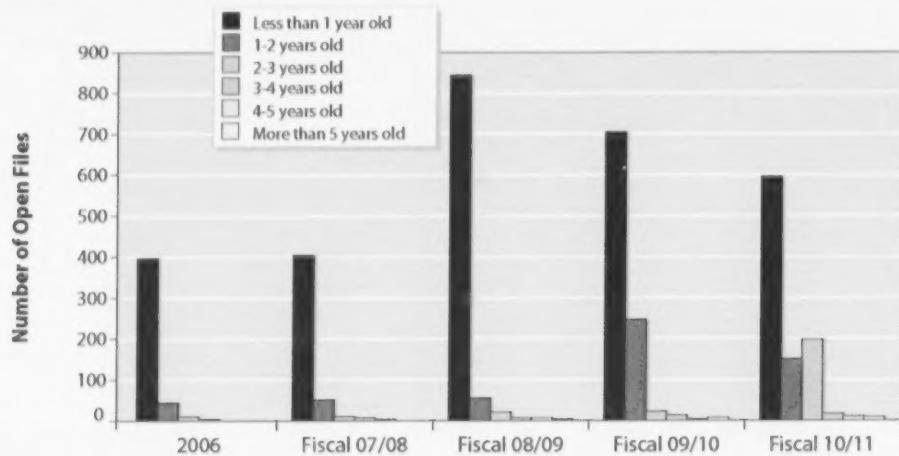


Breakdown of Office Case Activity

	2006	Fiscal 07/08	Fiscal 08/09	Fiscal 09/10	Fiscal 10/11
Open at the Beginning of the Year					
Open Files in Hold Queue	79	0	0	0	0
Open Files Assigned	387	486	471	932	816
Open Files Awaiting Assignment	0	0	0	0	176
Total Open at Beginning of Year	466	486	471	932	992
Intakes					
Requests for Information and Assistance – Jurisdictional	825	1,100	1,422	1,196	1,332
Requests for Information and Assistance – Non-Jurisdictional	797	944	1,276	1,257	1,297
Files Opened – Jurisdictional	4,243	4,236	4,761	5,386	4,484
Files Opened – Non-Jurisdictional	383	419	489	505	417
Files Opened to the Hold Queue	190	0	0	0	0
Total Intakes	6,438	6,699	7,948	8,344	7,530
Closings					
Requests for Information or Assistance Closed by Call Coordinators	1,622	2,044	2,698	2,453	2,629
Files Closed by Complaints Analysts	2,695	2,722	2,855	3,185	2,878
Files Closed by Early Resolution Officers	0	0	134	310	301
Total Closed by Intake Team	4,317	4,766	5,687	5,948	5,808
Files Closed by Ombudsperson Officers With Investigation	1,197	994	1,050	1,471	1,056
Files Closed by Ombudsperson Officers Without Investigation	946	956	764	865	683
Total Closed by Ombudsperson Officers	2,143	1,950	1,814	2,336	1,739
Files Re-opened					
Open at the End of the Year					
Open Files Assigned	452	471	932	816	748
Open Files Awaiting Assignment	0	0	0	176	228
Total Open at End of year	452	471	932	992	976

Statistics

Age Distribution of Open Files



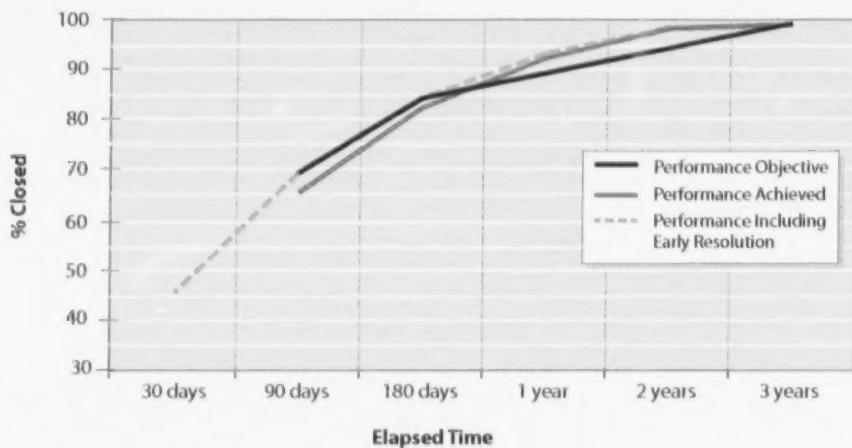
Number of Open Files at the End of Each Year

	2006	%	Fiscal 07/08	%	Fiscal 08/09	%	Fiscal 09/10	%	Fiscal 10/11	%
Less Than 1 Year Old	396	► 87%	402	► 85%	842	► 90%	704*	► 70%	595*	► 60%
1-2 Years Old	43		50		55		246		150	
2-3 Years Old	10		10		21		22		197	
3-4 Years Old	3	► 13%	7	► 15%	6	► 10%	12	► 30%	16	► 40%
4-5 Years Old	0		2		6		2		10	
More Than 5 Years Old	0		0		2		6		8	
Total Open Files	452		471		932		992		976	

* Files less than a year old open at the end of fiscal 2009/10 and 2010/11 include files on the Files Awaiting Assignment List.

Statistics

Length of Time to Close Files (Files Closed in 2010/11)



Files Closed¹

	Fiscal 07/08		Fiscal 08/09		Fiscal 09/10 ²		Fiscal 10/11 ²	
Closed Within 30 Days	923	47%	707	40%	853	37%	639	38%
Including early resolution files	—	—	856	44%	1,159	45%	926	46%
Closed Within 90 Days	1,492	77%	1,290	72%	1,528	67%	1,118	66%
Including early resolution files	—	—	1,439	74%	1,837	71%	1,398	70%
Closed Within 180 Days	1,730	89%	1,565	88%	1,901	83%	1,411	83%
Including early resolution files	—	—	1,714	88%	2,210	85%	1,694	85%
Closed Within 1 Year	1,884	97%	1,722	96%	2,162	95%	1,587	93%
Including early resolution files	—	—	1,871	97%	2,472	95%	1,885	94%
Closed Within 2 Years	1,941	99.5%	1,777	99.4%	2,261	99.0%	1,683	98.9%
Including early resolution files	—	—	1,926	99.4%	2,571	99.1%	1,984	99.1%
Closed Within 3 Years	1,948	99.9%	1,787	99.9%	2,278	99.7%	1,696	99.7%
Including early resolution files	—	—	1,936	99.9%	2,588	99.8%	1,997	99.8%

Performance Objectives

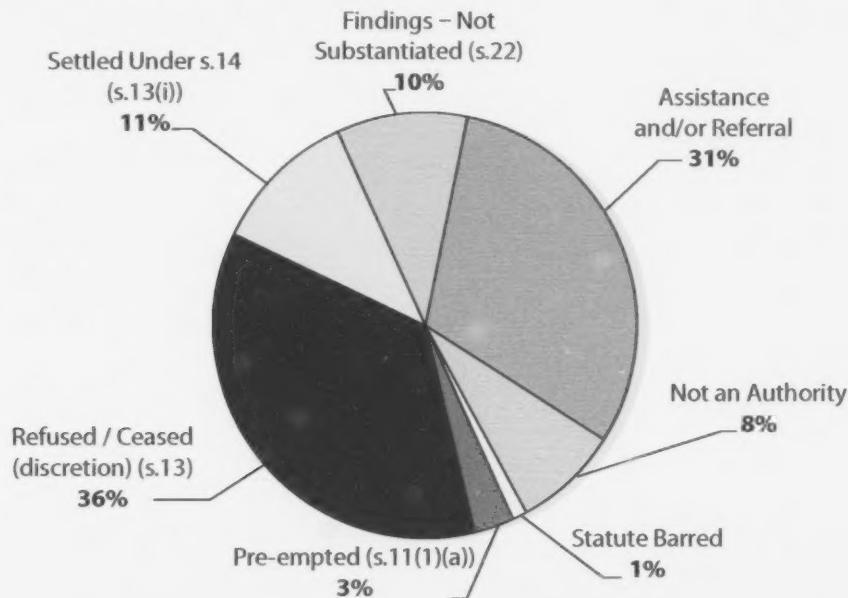
- 70% closed within 90 days
- 85% closed within 180 days
- 90% closed within one year
- 95% closed within two years
- 100% closed within three years

¹ These performance objectives apply to files closed by the investigative teams. Files closed at intake are not included in these numbers, nor are files associated with ongoing systemic investigations.

² These numbers do not include files on the Files Awaiting Assignment List.

Statistics

How We Closed Files in 2010/11



Closing Status	No Investigation	ERP Investigation	Investigation	Total Matters Closed ¹
Assistance and/or Referral	1,597	n/a	n/a	1,597
Not an Authority	406	n/a	n/a	406
Statute Barred	19	n/a	n/a	19
Not a Matter of Administration (s.10)	2	n/a	0	2
Pre-empted (s.11(1)(a))	158	n/a	3	161
Refused/Ceased (discretion) (s.13)	1,379	48	426	1,853
s.13(a)	0	0	0	0
s.13(b)	8	0	3	11
s.13(c)	819	0	48	867
s.13(d)	0	0	0	0
s.13(e)	187	0	163	350
s.13(f)	117	48	166	331
s.13(g)	115	0	26	141
s.13(h)	133	0	20	153
Settled Under s.14 (s.13(i))	n/a	253	324	577
Findings – Substantiated (s.23)	n/a	n/a	0	0
Findings – Not Substantiated (s.22)	n/a	n/a	517	517
Total Closings	3,561	301	1,270	5,132
Total Files Closed*	3,561	301	1,056	4,918

¹For files closed as Investigation, the number of files closed is no longer the same as the number of closings. In 2003 we began closing each issue, or matter of administration identified on a file, separately. Each Investigation file has one or more matters of administration. Therefore, the number of matters closed during a period may be greater than the number of files closed during that period. A file is considered closed when all of its matters of administration are closed.

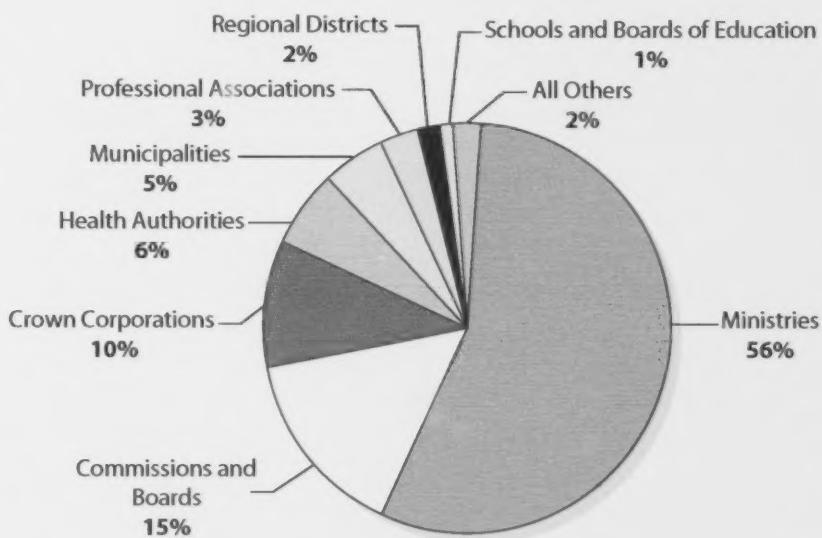
Statistics

Significant Authorities (Files Opened)

	Authority	2009/10	2010/11
		% of Total Jurisdictional Files Opened	% of Total Jurisdictional Files Opened
1	Ministry of Social Development	17.4%	20.4%
2	Ministry of Children and Family Development	12.1%	13.6%
3	Ministry of Public Safety and Solicitor General	7.3%	8.9%
4	ICBC	6.5%	6.5%
5	WorkSafeBC	7.3%	6.2%
6	Ministry of Attorney General	3.7%	3.5%
7	Ministry of Health	3.7%	3.2%
8	Ministry of Finance	2.4%	2.3%
9	BC Hydro	1.9%	2.0%
10	Public Guardian and Trustee	1.8%	1.7%
	BC Housing	2.8%	1.7%

Statistics

Authority Distribution (for Jurisdictional Files Opened in 2010/11)



Total Jurisdictional Files Opened in 2010/11

Ministries (56%)		
Social Development	37%	915
Children and Family Development	24%	610
Public Safety and Solicitor General	16%	398
Attorney General	6%	159
Health	6%	144
Finance	4%	103
Forests, Lands and Natural Resource Operations	2%	37
Labour, Citizens' Services and Open Government	2%	37
Transportation and Infrastructure	1%	29
Environment	1%	25
Other Ministries	1%	50

Commissions and Boards (15%)		
WorkSafeBC	42%	279
Public Guardian and Trustee	12%	78
BC Housing	12%	77
Workers' Compensation Appeal Tribunal	6%	37
Human Rights Tribunal	3%	18
Consumer Protection BC	3%	17
Employment and Assistance Appeal Tribunal	2%	16
Agricultural Land Commission	2%	14
Emergency Medical Assistants Licensing Board	2%	14
Other Commissions and Boards	16%	119

Statistics

Crown Corporations (10%)		
ICBC	65%	290
BC Hydro	20%	88
Community Living BC	5%	24
BC Assessment	4%	19
BC Lottery Corporation	4%	18
Other Crown Corporations	2%	5

Health Authorities (6%)		
Vancouver Island Health Authority	22%	65
Fraser Health Authority	20%	58
Interior Health Authority	19%	56
Vancouver Coastal Health Authority	16%	48
Provincial Health Services Authority	15%	44
Northern Health Authority	8%	22

Municipalities (5%)		
City of Vancouver	8%	20
City of Surrey	6%	14
City of Victoria	4%	10
Township of Langley	4%	9
City of Burnaby	3%	8
City of Salmon Arm	3%	8
Other Municipalities	72%	177

Professional Associations (3%)		
Law Society of British Columbia	42%	52
College of Physicians and Surgeons of BC	31%	39
Association of Professional Engineers and Geoscientists	5%	6
College of Traditional Chinese Medicine Practitioners	5%	6
Other Professional Associations	17%	22

Regional Districts (2%)		
Capital Regional District	14%	10
Regional District of Nanaimo	9%	7
Thompson-Nicola Regional District	8%	6
Other Regional Districts	69%	51

Schools and Boards of Education (1%)		
School District 36 (Surrey)	14%	8
School District 41 (Burnaby)	11%	6
School District 71 (Comox Valley)	9%	5
Other School Districts	66%	37

All Others (2%)		
Universities	42%	29
Colleges	22%	15
Islands Trust	13%	9
Improvement Districts	10%	7
Libraries	7%	5
Parks Boards	6%	4

Statistics

2010/11 Authority Statistics

Ministry names

Two reorganizations of provincial ministries, including changes to titles and program responsibilities, took place in fiscal 2010/11. The following sets out the ministries as they were structured on April 1, 2010, October 25, 2010, and March 14, 2011. The statistics in the 2010/11 Annual Report are based on the ministry names and program responsibilities as of the March 14, 2011 restructuring, which was in effect at the end of the 2010/11 fiscal year.

April 1, 2010	October 25, 2010	March 14, 2011
<ul style="list-style-type: none"> • Aboriginal Relations and Reconciliation • Advanced Education and Labour Market Development • Agriculture and Lands • Attorney General • Children and Family Development • Citizens' Services • Community and Rural Development • Education • Energy, Mines and Petroleum Resources • Environment • Finance • Forests and Range • Health Services • Healthy Living and Sport • Housing and Social Development • Labour • Public Safety and Solicitor General • Small Business, Technology and Economic Development • Tourism, Culture and the Arts • Transportation and Infrastructure 	<ul style="list-style-type: none"> • Aboriginal Relations and Reconciliation • Agriculture • Attorney General • Children and Family Development • Citizens' Services • Community, Sport and Cultural Development • Education • Energy • Environment • Finance • Forests, Mines and Land • Health Services • Labour • Natural Resource Operations • Public Safety and Solicitor General • Regional Economic and Skills Development • Science and Universities • Social Development • Tourism, Trade and Investment • Transportation and Infrastructure 	<ul style="list-style-type: none"> • Aboriginal Relations and Reconciliation • Advanced Education • Agriculture • Attorney General • Children and Family Development • Community, Sport and Cultural Development • Education • Energy and Mines (Minister Responsible for Housing) • Environment • Finance • Forests, Lands and Natural Resource Operations • Health • Jobs, Tourism and Innovation (Minister of State for Multiculturalism) • Labour, Citizens' Services and Open Government • Public Safety and Solicitor General • Social Development • Transportation and Infrastructure

Statistics

Authorities organized by sections of the Schedule to the Ombudsperson Act	Files Open as of April 1, 2010	Requests for Information or Assistance	Files Opened	Assistance and/or Referral	Declined (§10, 11)	Revised/Closed (discretion) (§13)	Settled under §14 (§13(0))	Not Substantiated (§22)	Findings Substantiated (§23)	Total Matters Closed	Total Files Closed	Files Open as of March 31, 2011
	Ministries	337	623	2508	843	145	1016	343	239	0	2586	2486
Aboriginal Relations and Reconciliation	1	0	0	0	0	1	0	0	0	1	1	0
Advanced Education	3	5	21	10	1	4	2	4	0	21	21	3
Agriculture	1	0	3	2	0	0	2	0	0	4	4	0
Attorney General	22	13	159	50	2	87	20	9	0	168	166	15
Children and Family Development	102	28	610	170	3	372	34	35	0	614	593	119
Community, Sport and Cultural Development	2	0	7	1	0	3	0	2	0	6	6	3
Education	1	2	2	2	0	1	0	0	0	3	3	0
Energy and Mines	10	1	10	4	0	10	2	9	0	25	19	1
Environment	9	0	25	12	0	8	2	9	0	31	29	5
Finance	25	13	103	27	0	29	39	22	0	117	110	18
Forests, Lands and Natural Resource Operations	8	1	37	10	0	9	7	6	0	32	30	15
Health	33	12	144	59	0	44	41	9	0	153	149	28
Jobs, Tourism and Innovation	0	0	7	1	0	1	1	2	0	5	5	2
Labour, Citizen's Services and Open Government	6	226	37	14	0	14	4	4	0	36	36	7
Public Safety and Solicitor General	44	145	398	138	4	142	28	74	0	386	363	79
Social Development	60	175	916	334	135	283	153	48	0	953	922	54
Transportation and Infrastructure	10	2	29	9	0	8	8	6	0	31	29	10
Commissions and Boards	141	457	669	268	26	217	135	93	0	739	692	119
Agricultural Land Commission	3	0	14	4	0	1	5	5	0	15	11	6
BC Farm Industry Review Board	1	0	2	0	0	1	0	2	0	3	2	1
BC Housing	10	10	77	23	0	54	2	6	0	85	82	6
BC Review Board	0	0	1	0	0	1	0	0	0	1	1	0
BC Safety Authority	2	0	3	3	0	0	1	3	0	7	5	0
BC Securities Commission	1	2	1	1	0	0	0	1	0	2	2	0
BC Utilities Commission	5	33	9	5	0	0	3	2	0	10	10	4
College Pension Board of Trustees	0	0	3	1	0	0	1	0	0	2	2	1
Consumer Protection BC	1	263	17	15	0	1	2	1	0	19	17	1
Coroners Service	0	0	6	1	0	2	1	0	0	4	4	2
Emergency Medical Assistants Licensing Board	0	0	14	4	0	1	0	1	0	6	6	8
Emergency and Health Services Commission	5	0	8	3	0	2	5	0	0	10	10	3
Employment Standards Tribunal	1	0	2	2	0	0	0	0	0	2	2	1
Employment and Assistance Appeal Tribunal	3	0	16	6	1	6	0	0	0	13	13	6

Statistics

Authorities organized by sections of the Schedule to the Ombudsperson Act	Files Open as of April 1, 2010	Requests for Information or Assistance	Files Opened	Assistance and/or Referral	Files Closed						Files Open as of March 31, 2011	
					Declined (§10,11)	Refused/Ceased (discretion) (§13)	Settled under §14 (§13(i))	Not Substantiated (§22)	Findings Substantiated (§23)	Total Matters Closed	Total Files Closed	
Environmental Appeal Board	0	0	1	1	0	0	0	0	0	1	1	0
Financial Institutions Commission	0	28	5	3	0	1	0	0	0	4	4	1
Forest Practices Board	1	0	0	0	0	1	2	5	0	8	1	0
Health Employers Association of BC	0	0	1	0	0	1	0	0	0	1	1	0
Health Professions Review Board	0	0	3	2	0	1	0	0	0	3	3	0
Human Rights Tribunal	6	12	18	9	0	6	1	1	0	17	17	7
Industry Training Authority	0	1	7	2	0	2	3	1	0	8	7	0
Insurance Council of BC	0	1	0	0	0	0	0	0	0	0	0	0
Labour Relations Board	0	38	9	4	1	1	2	1	0	9	9	0
Land Title and Survey Authority	1	2	10	4	0	2	0	0	0	6	6	5
Mediation and Arbitration Board	0	0	1	0	0	0	0	1	0	1	1	0
Medical Services Commission	0	0	1	1	0	0	0	0	0	1	1	0
Motor Dealer Customer Compensation Fund Board	0	1	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Sales Authority of BC	0	30	8	1	0	1	2	1	0	5	5	3
Municipal Pension Board of Trustees	1	0	0	0	0	0	0	1	0	1	1	0
Passenger Transportation Board	0	0	2	0	0	1	0	0	0	1	1	1
Pension Corporation	0	3	6	3	0	2	0	1	0	6	6	0
Premier's Office	0	0	1	1	0	0	0	0	0	1	1	0
Private Career Training Institutions Agency	1	13	9	8	0	1	0	0	0	9	9	1
Property Assessment Appeal Board	0	0	5	2	0	2	0	0	0	4	4	1
Public Guardian and Trustee	16	9	78	22	0	39	18	4	0	83	83	11
Real Estate Council	3	8	6	3	0	3	0	2	0	8	8	1
Safety Standards Appeal Board	1	0	0	0	0	0	0	1	0	1	1	0
TransLink	3	0	9	6	0	1	4	0	0	11	9	3
West Shore Parks and Recreation Society	1	0	0	0	0	0	0	0	0	0	0	1
Workers' Compensation Appeal Tribunal	11	0	37	14	1	12	0	14	0	41	39	9
WorkSafeBC	64	3	279	114	23	71	83	39	0	330	307	36
Crown Corporations	60	63	444	129	3	256	25	68	0	481	456	48
BC Assessment	3	0	19	6	1	7	0	1	0	15	15	7
BC Hydro	9	15	88	29	0	52	6	16	0	103	92	5
BC Lottery Corporation	2	0	18	8	2	4	4	2	0	20	19	1
BC Pavilion Corporation	0	0	1	0	0	0	0	0	0	0	0	1
BC Transit	2	0	3	2	0	2	1	1	0	6	5	0
BC Transmission Corporation	1	0	0	0	0	0	0	0	0	0	0	1
British Columbia Railway Company	1	0	0	0	0	1	0	0	0	1	1	0

Statistics

Authorities organized by sections of the Schedule to the Ombudsperson Act	Files Open as of April 1, 2010	Requests for Information or Assistance	Files Opened	Files Closed							Total Matters Closed	Total Files Closed	Files Open as of March 31, 2011
				Assistance and/or Referral	Denied (§10,11)	Refused/(Cased) (discretion) (§13)	Settled under §14 (§13(0))	Not Substantiated (§22)	Findings Substantiated (§23)				
Community Living BC	11	1	24	8	0	16	3	1	0	28	28	7	
Homeowner Protection Office	2	0	0	0	0	2	0	1	0	3	2	0	
ICBC	29	47	290	76	0	172	11	46	0	305	294	25	
Oil and Gas Commission	0	0	1	0	0	0	0	0	0	0	0	0	1
Municipalities	68	30	246	71	1	126	20	32	0	250	237	77	
Bowen Island Municipality	0	0	2	0	0	2	0	0	0	2	2	0	
City of Abbotsford	11	1	1	0	0	1	0	2	0	3	3	9	
City of Armstrong	1	0	0	0	0	0	0	1	0	1	1	0	
City of Burnaby	0	0	8	3	0	5	0	0	0	8	8	0	
City of Campbell River	1	0	3	2	0	1	1	0	0	4	4	0	
City of Castlegar	0	0	1	0	0	1	0	0	0	1	1	0	
City of Chilliwack	0	0	4	0	0	3	1	2	0	6	4	0	
City of Colwood	1	0	0	0	0	0	0	0	0	0	0	1	
City of Coquitlam	0	0	1	1	0	0	0	0	0	1	1	0	
City of Courtenay	1	1	4	3	0	1	0	0	0	4	4	1	
City of Cranbrook	2	0	2	1	0	2	1	0	0	4	4	0	
City of Dawson Creek	0	0	1	0	0	1	0	0	0	1	1	0	
City of Duncan	0	0	2	0	0	2	0	0	0	2	2	0	
City of Enderby	0	0	1	1	0	0	0	0	0	1	1	0	
City of Fort St. John	0	0	5	3	1	0	0	0	0	4	4	1	
City of Grand Forks	0	0	4	2	0	2	0	0	0	4	4	0	
City of Kamloops	0	0	7	3	0	2	0	0	0	5	5	2	
City of Kelowna	0	2	7	1	0	2	0	0	0	3	3	4	
City of Kimberley	0	0	2	0	0	1	0	1	0	2	2	0	
City of Langford	1	1	3	1	0	1	0	2	0	4	3	1	
City of Langley	0	0	1	0	0	0	0	1	0	1	1	0	
City of Nanaimo	1	1	5	2	0	3	0	0	0	5	5	1	
City of Nelson	0	1	1	0	0	1	0	1	0	2	1	0	
City of New Westminster	0	0	2	0	0	1	0	0	0	1	1	1	
City of North Vancouver	0	0	1	0	0	1	0	0	0	1	1	0	
City of Parksville	0	0	3	2	0	1	0	0	0	3	3	0	
City of Penticton	0	2	2	1	0	1	0	0	0	2	2	0	
City of Port Alberni	0	0	1	0	0	1	0	0	0	1	1	0	
City of Port Moody	2	0	0	0	0	1	0	1	0	2	2	0	
City of Powell River	0	0	4	2	0	0	0	0	0	2	2	2	
City of Prince George	1	0	5	0	0	4	1	1	0	6	5	1	
City of Prince Rupert	1	0	0	0	0	1	0	0	0	1	1	0	
City of Revelstoke	0	0	3	0	0	3	0	0	0	3	3	0	

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					Declined (§5.10, 11)	Refused/Closed (discretion) (§ 13)	Settled under § 14 (§ 13(1))	Not Substantiated (§ 22)	Findings Substantiated (§ 23)				
City of Richmond	2	0	2	0	0	2	0	0	0	2	2	2	2
City of Salmon Arm	2	1	8	4	0	1	0	1	0	6	6	6	4
City of Surrey	5	2	14	2	0	5	6	4	0	17	13	13	6
City of Terrace	1	0	0	0	0	0	0	0	0	0	0	0	1
City of Vancouver	9	2	20	7	0	14	3	4	0	28	26	26	3
City of Vernon	0	1	3	1	0	0	1	0	0	2	2	2	1
City of Victoria	0	1	10	4	0	6	0	0	0	10	10	10	0
City of White Rock	0	0	2	0	0	1	0	0	0	1	1	1	1
Corporation of Delta	2	0	3	2	0	2	0	0	0	4	4	4	1
District of Clearwater	1	0	0	0	0	0	1	0	0	1	1	1	0
District of Coldstream	0	0	1	0	0	1	0	0	0	1	1	1	0
District of Elkhorn	0	0	1	1	0	0	0	0	0	1	1	1	0
District of Hope	0	1	0	0	0	0	0	0	0	0	0	0	0
District of Invermere	1	0	0	0	0	1	0	0	0	1	1	1	0
District of Lake Country	1	0	1	1	0	0	0	0	0	1	1	1	1
District of Logan Lake	0	0	1	0	0	1	0	0	0	1	1	1	0
District of Maple Ridge	0	1	6	2	0	3	0	0	0	5	5	5	1
District of Mission	4	1	2	0	0	2	1	0	0	3	3	3	3
District of North Saanich	0	0	1	0	0	1	0	0	0	1	1	1	0
District of North Vancouver	0	1	4	1	0	2	0	1	0	4	4	4	0
District of Oak Bay	0	0	2	0	0	1	0	0	0	1	1	1	1
District of Peachland	0	0	2	1	0	1	0	0	0	2	2	2	0
District of Saanich	2	0	6	0	0	6	0	0	0	6	6	6	2
District of Sechelt	0	1	2	0	0	0	0	1	0	1	1	1	1
District of Sicamous	0	0	1	1	0	0	0	0	0	1	1	1	0
District of Sooke	1	0	5	1	0	2	0	1	0	4	4	4	2
District of Sparwood	0	1	0	0	0	0	0	0	0	0	0	0	0
District of Squamish	0	0	2	0	0	2	0	0	0	2	2	2	0
District of Summerland	1	0	0	0	0	1	0	0	0	1	1	1	0
District of Tofino	0	0	1	1	0	0	0	0	0	1	1	1	0
District of Tumbler Ridge	0	0	1	1	0	0	0	0	0	1	1	1	0
District of Vanderhoof	0	1	0	0	0	0	0	0	0	0	0	0	0
District of West Kelowna (Westside)	1	0	5	1	0	2	0	1	0	4	4	4	2
District of West Vancouver	2	0	3	0	0	2	0	4	0	6	4	4	1
Municipality of North Cowichan	1	0	3	0	0	2	2	0	0	4	4	4	0
Resort Municipality of Whistler	0	0	5	0	0	2	0	0	0	2	2	2	3
Sun Peaks Mountain Resort Municipality	0	0	2	0	0	1	0	0	0	1	1	1	1
Town of Creston	0	0	1	0	0	0	0	1	0	1	1	1	0

Statistics

Authorities organized by sections of the Schedule to the Ombudsperson Act	Files Open as of April 1, 2010	Requests for Information or Assistance	Files Opened	Files Closed							Total Matters Closed	Total Files Closed	Files Open as of March 31, 2011
				Assistance and/or Referral	Defined (§10,11)	Refused/Eased (discretion) (§13)	Settled under §14 (§13(i))	Not Substantiated (§22)	Findings Substantiated (§23)				
Town of Ladysmith	0	1	2	2	0	0	0	0	0	0	2	2	0
Town of Lake Cowichan	1	0	1	0	0	1	0	1	0	2	2	2	0
Town of Oliver	0	0	3	1	0	2	0	0	0	3	3	0	0
Town of Osoyoos	1	0	0	0	0	0	0	1	0	1	1	1	0
Town of Qualicum Beach	0	1	1	0	0	1	0	0	0	1	1	1	0
Town of Sidney	0	1	0	0	0	0	0	0	0	0	0	0	0
Town of Smithers	0	0	2	1	0	0	0	0	0	1	1	1	1
Town of View Royal	0	0	2	0	0	2	0	0	0	0	2	2	0
Township of Langley	1	0	9	1	0	2	1	0	0	4	4	6	
Township of Spallumcheen	0	0	1	0	0	1	0	0	0	1	1	0	
Village of Anmore	2	0	0	0	0	0	1	0	0	1	1	1	1
Village of Granisle	1	0	0	0	0	0	0	0	0	0	0	0	1
Village of Harrison Hot Springs	2	1	2	1	0	3	0	0	0	4	4	0	
Village of Keremeos	1	0	4	0	0	1	0	0	0	1	1	4	
Village of Lumby	0	0	1	0	0	1	0	0	0	1	1	0	
Village of Lytton	0	0	1	1	0	0	0	0	0	1	1	0	
Village of McBride	0	0	1	1	0	0	0	0	0	1	1	0	
Village of Nakusp	0	0	2	1	0	1	0	0	0	2	2	0	
Village of Port Alice	0	0	1	1	0	0	0	0	0	1	1	0	
Village of Port Clements	0	1	0	0	0	0	0	0	0	0	0	0	
Village of Pouce Coupe	0	0	1	0	0	1	0	0	0	1	1	0	
Village of Salmo	0	1	0	0	0	0	0	0	0	0	0	0	
Village of Silverton	0	0	2	0	0	1	0	0	0	1	1	1	
Village of Tahsis	0	1	4	2	0	0	0	0	0	2	2	2	
Regional Districts	24	4	74	24	0	41	5	21	0	91	82	16	
Alberni-Clayoquot Regional District	1	1	1	1	0	1	0	0	0	2	2	0	
Capital Regional District	3	0	10	3	0	7	0	3	0	13	12	1	
Cariboo Regional District	1	1	3	1	0	1	0	1	0	3	3	1	
Central Coast Regional District	2	0	0	0	0	0	0	0	0	0	0	2	
Columbia-Shuswap Regional District	0	0	2	1	0	1	0	2	0	4	2	0	
Cowichan Valley Regional District	1	2	3	0	0	1	0	0	0	1	1	3	
Fraser Valley Regional District	1	0	2	1	0	2	0	0	0	3	3	0	
Metro Vancouver	1	0	4	2	0	2	0	2	0	6	5	0	
Peace River Regional District	0	0	1	0	0	1	0	0	0	1	1	0	
Powell River Regional District	0	0	1	1	0	0	0	0	0	1	1	0	
Regional District Okanagan-Similkameen	0	0	2	0	0	1	0	1	0	2	2	0	
Regional District of Bulkley-Nechako	0	0	2	1	0	1	0	0	0	2	2	0	

Statistics

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					Declined (§10,11)	Refused/Kept (discretion) (§13)	Settled under §14 (§13(i))	Not Substantiated (§22)	Findings Substantiated (§23)				
Regional District of Central Kootenay	3	0	5	1	0	5	0	0	0	0	6	6	2
Regional District of Central Okanagan	2	0	2	1	0	1	1	1	0	0	4	4	0
Regional District of East Kootenay	2	0	4	1	0	3	0	1	0	0	5	5	1
Regional District of Fraser-Fort George	1	0	5	0	0	4	1	2	0	0	7	5	1
Regional District of Kitimat-Stikine	1	0	4	2	0	1	1	0	0	0	4	4	1
Regional District of Kootenay Boundary	2	0	0	0	0	0	0	3	0	0	3	2	0
Regional District of Mount Waddington	1	0	4	2	0	1	1	0	0	0	4	4	1
Regional District of Nanaimo	1	0	7	1	0	5	0	4	0	0	10	8	0
Regional District of North Okanagan	1	0	2	1	0	2	0	0	0	0	3	3	0
Skeena-Queen Charlotte Regional District	0	0	2	1	0	1	0	0	0	0	2	2	0
Squamish-Lillooet Regional District	0	0	2	0	0	0	0	0	0	0	0	0	2
Thompson-Nicola Regional District	0	0	6	3	0	0	1	1	0	0	5	5	1
Islands Trust	1	1	9	6	0	1	0	1	0	8	8	2	
Improvement Districts	6	0	7	2	0	5	0	1	0	8	8	5	
Beaver Creek Improvement District	1	0	0	0	0	1	0	0	0	1	1	0	
Black Mountain Irrigation District	1	0	0	0	0	1	0	0	0	1	1	0	
Bowser Waterworks District	1	0	0	0	0	0	0	1	0	1	1	0	
Cherry Creek Waterworks District	1	0	0	0	0	1	0	0	0	1	1	0	
Clearbrook Waterworks District	0	0	1	0	0	0	0	0	0	0	0	0	1
Gillies Bay Improvement District	1	0	0	0	0	1	0	0	0	1	1	0	
North Cedar Improvement District	0	0	1	0	0	0	0	0	0	0	0	0	1
Ocean Falls Improvement District	0	0	1	1	0	0	0	0	0	1	1	0	
Seagirt Waterworks District	1	0	0	0	0	0	0	0	0	0	0	0	1
Sointula Waterworks District	0	0	1	0	0	0	0	0	0	0	0	0	1
South East Kelowna Irrigation District	0	0	1	1	0	0	0	0	0	1	1	0	
Union Bay Improvement District	0	0	2	0	0	1	0	0	0	1	1	1	
Libraries	0	1	5	2	1	1	0	0	0	4	4	1	
Greater Victoria Public Library	0	0	5	2	1	1	0	0	0	4	4	1	
Vancouver Island Regional Library	0	1	0	0	0	0	0	0	0	0	0	0	
Parks Boards	24	0	4	2	0	1	0	1	0	4	4	24	
Cultus Lake Park Board	24	0	3	2	0	1	0	0	0	3	3	24	
Cultus Lake Park Board	0	0	1	0	0	0	0	1	0	1	1	0	

Statistics

Authorities organized by sections of the Schedule to the Ombudsman Act	Files Open as of April 1, 2010	Requests for Information or Assistance	Files Opened	Assistance and/or Referral	Declined (§ 10, 11)	Files Closed						Total Files Closed	Files Open as of March 31, 2011
						Refused/Closed (discretion) (§ 13)	Settled Under § 14 (§ 13(0))	Not Substantiated (§ 22)	Findings Substantiated (§ 23)	Total Matters Closed			
Schools and School Boards	14	3	56	14	1	27	10	6	0	58	57	13	
School District 05 (Southeast Kootenay)	0	0	1	0	0	1	0	0	0	1	1	0	
School District 08 (Kootenay Lake)	1	0	2	1	1	0	0	0	0	2	2	1	
School District 20 (Kootenay-Columbia)	0	0	1	0	0	1	0	0	0	1	1	0	
School District 22 (Vernon)	1	0	3	0	0	2	0	0	0	2	2	2	
School District 23 (Central Okanagan)	1	1	1	0	0	0	1	0	0	1	1	1	
School District 27 (Cariboo-Chilcotin)	0	0	1	0	0	1	0	0	0	1	1	0	
School District 34 (Abbotsford)	0	0	1	0	0	1	0	0	0	1	1	0	
School District 35 (Langley)	2	0	1	0	0	1	1	0	0	2	2	1	
School District 36 (Surrey)	0	1	8	0	0	5	1	1	0	7	7	1	
School District 37 (Delta)	0	0	2	0	0	1	1	0	0	2	2	0	
School District 38 (Richmond)	1	0	1	0	0	1	2	0	0	3	2	0	
School District 39 (Vancouver)	0	0	1	1	0	0	0	0	0	1	1	0	
School District 40 (New Westminster)	0	0	1	0	0	0	0	1	0	1	1	0	
School District 41 (Burnaby)	0	0	6	3	0	2	0	0	0	5	5	1	
School District 42 (Maple Ridge-Pitt Meadows)	0	0	2	1	0	0	1	0	0	2	2	0	
School District 43 (Coquitlam)	0	0	1	1	0	0	0	0	0	1	1	0	
School District 44 (North Vancouver)	0	0	1	1	0	0	0	0	0	1	1	0	
School District 46 (Sunshine Coast)	1	0	0	0	0	1	0	0	0	1	1	0	
School District 47 (Powell River)	0	0	1	1	0	0	0	0	0	1	1	0	
School District 51 (Boundary)	0	0	1	1	0	0	0	0	0	1	1	0	
School District 53 (Okanagan Similkameen)	0	0	1	0	0	0	1	0	0	1	1	0	
School District 57 (Prince George)	2	0	4	3	0	2	0	0	0	5	5	1	
School District 58 (Nicola-Similkameen)	1	0	1	0	0	1	0	1	0	2	2	0	
School District 62 (Sooke)	0	0	1	0	0	0	1	0	0	1	1	0	
School District 67 (Okanagan Skaha)	0	1	0	0	0	0	0	0	0	0	0	0	
School District 68 (Nanaimo-Ladysmith)	0	0	1	0	0	0	0	0	0	0	0	1	
School District 71 (Comox Valley)	2	0	5	0	0	3	1	1	0	5	5	2	
School District 79 (Cowichan Valley)	1	0	1	0	0	0	0	1	0	1	1	1	

Statistics

Authorities organized by sections of the Schedule to the Ombudsperson Act	Files Open as of April 1, 2010	Requests for Information or Assistance	Files Opened	Files Closed								Files Open as of March 31, 2011
				Assistance and/or Refusal	Declined (≤ 10, 11)	Refused (Based on Discretion) (≤ 13)	Settled under s.14 (≤ 13(0))	Not Substantiated (≤ 22)	Findings Substantiated (≤ 23)	Total Matters Closed	Total Files Closed	
School District 83 (North Okanagan-Shuswap)	0	0	2	0	0	2	0	0	0	2	2	0
School District 85 (Vancouver Island North)	1	0	2	1	0	1	0	1	0	3	3	0
School District 93 (Conseil Scolaire Francophone)	0	0	2	0	0	1	0	0	0	1	1	1
Universities	4	0	29	13	0	6	2	4	0	25	24	9
Emily Carr University	0	0	1	0	0	0	0	0	0	0	0	1
Kwantlen Polytechnic University	1	0	2	1	0	0	0	1	0	2	2	1
Royal Roads University	0	0	1	0	0	0	0	0	0	0	0	1
Simon Fraser University	0	0	1	0	0	1	0	0	0	1	1	0
Thompson Rivers University	0	0	3	2	0	0	0	0	0	2	2	1
University of British Columbia	1	0	8	3	0	1	1	2	0	7	7	2
University of Northern BC	1	0	4	3	0	2	1	0	0	6	5	0
University of Victoria	0	0	1	0	0	0	0	0	0	0	0	1
University of the Fraser Valley	1	0	4	3	0	1	0	0	0	4	4	1
Vancouver Island University	0	0	4	1	0	1	0	1	0	3	3	1
Colleges	9	1	15	6	0	8	1	10	0	25	20	4
BC Institute of Technology	0	0	3	0	0	1	0	1	0	2	2	1
Camosun College	1	0	0	0	0	0	0	2	0	2	1	0
College of the Rockies	2	0	0	0	0	1	0	4	0	5	2	0
Douglas College	3	0	4	2	0	1	1	1	0	5	5	2
Justice Institute of BC	0	1	1	0	0	1	0	0	0	1	1	0
Langara College	1	0	2	2	0	1	0	0	0	3	3	0
North Island College	1	0	1	1	0	1	0	0	0	2	2	0
Northern Lights College	0	0	2	1	0	1	0	0	0	2	2	0
Okanagan College	1	0	1	0	0	1	0	2	0	3	2	0
Vancouver Community College	0	0	1	0	0	0	0	0	0	0	0	1
Professional Associations	14	110	125	74	0	26	4	5	0	109	108	31
Applied Science Technologists and Technicians of BC	0	0	2	1	0	0	0	0	0	1	1	1
Architectural Institute of BC	0	0	1	0	0	0	0	1	0	1	1	0
Assoc. of Professional Engineers and Geoscientists	0	0	6	2	0	1	0	1	0	4	4	2
British Columbia College of Social Workers	0	0	2	0	0	1	0	0	0	1	1	1
Certified General Accountants Association of BC	0	1	0	0	0	0	0	0	0	0	0	0
College of Dental Hygienists of BC	0	0	1	1	0	0	0	0	0	1	1	0
College of Dental Surgeons of BC	0	3	4	2	0	0	0	0	0	2	2	2

Statistics

Authorities organized by sections of the Schedule to the Ombudsperson Act	Files Open as of April 1, 2010	Requests for Information or Assistance	Files Opened	Assistance and/or Refusal	Deducted [§10.11]	Refused [Calculated [§13(1)]	Settled under §14 [§13(1)]	Not Substantiated [§22]	Findings Substantiated [§23]	Total Matters Closed	Total Files Closed	Files Open as of March 31, 2011
College of Licensed Practical Nurses of BC	0	0	2	1	0	0	0	0	0	1	1	1
College of Massage Therapists of BC	0	1	2	2	0	0	0	0	0	2	2	0
College of Occupational Therapists of BC	0	0	1	1	0	0	0	0	0	1	1	0
College of Pharmacists of BC	0	1	1	0	0	1	0	0	0	1	1	0
College of Physicians and Surgeons of BC	5	52	39	30	0	6	1	3	0	40	40	4
College of Psychologists of BC	1	1	0	0	0	1	1	0	0	2	1	0
College of Registered Nurses of British Columbia	0	0	2	1	0	1	0	0	0	2	2	0
College of Registered Psychiatric Nurses of BC	1	0	0	0	0	0	0	0	0	0	0	1
College of Teachers	0	0	2	2	0	0	0	0	0	2	2	0
College of Traditional Chinese Medicine Practitioners	0	0	6	2	0	4	0	0	0	6	6	0
College of Veterinarians of BC	1	2	1	0	0	0	0	0	0	0	0	2
Institute of Chartered Accountants of BC	1	1	1	0	0	0	0	0	0	0	0	2
Law Society of British Columbia	5	47	52	29	0	11	2	0	0	42	42	15
Society of Notaries Public	0	1	0	0	0	0	0	0	0	0	0	0
Health Authorities	290	39	293	139	0	121	32	36	0	328	316	267
Fraser Health Authority	69	10	58	29	0	24	3	9	0	65	62	65
Interior Health Authority	53	6	56	32	0	19	10	8	0	69	66	43
Northern Health Authority	14	3	22	9	0	9	3	1	0	22	22	14
Provincial Health Services Authority	2	0	44	10	0	25	5	2	0	42	39	7
Vancouver Coastal Health Authority	32	4	48	25	0	16	3	7	0	51	49	31
Vancouver Island Health Authority	120	16	65	34	0	28	8	9	0	79	78	107
Jurisdictional Totals	992	1332	4484	1593	177	1852	577	517	0	4716	4502	975
Non-Jurisdictional Totals	0	1297	417	4	411	1	0	0	0	416	416	1
Grand Totals	992	2629	4901	1597	588	1853	577	517	0	5132	4918	976



